



General Assembly

Distr.: General
20 January 2016

Original: English

Human Rights Council

Thirty-first session

Agenda items 2 and 7

Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Human rights situation in Palestine and other
occupied Arab territories

Implementation of Human Rights Council resolutions S-9/1 and S-12/1

Report of the United Nations High Commissioner for Human Rights

Summary

In the present report, the United Nations High Commissioner for Human Rights highlights issues of concern in the Occupied Palestinian Territory, with a focus on the use of excessive force and unlawful killings, collective punishment, arbitrary and administrative detention, torture and ill-treatment, and impermissible restrictions on freedom of expression. The report ends with recommendations to all duty bearers, namely the Government of Israel, the Palestinian Authority and the authorities in Gaza.

GE.16-00773(E)



Please recycle



I. Introduction

1. The present report is the eighth periodic report of the United Nations High Commissioner for Human Rights on the human rights situation in the Occupied Palestinian Territory. It covers the period from 1 November 2014 to 31 October 2015.

2. The information contained herein primarily emanates from human rights monitoring conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Occupied Palestinian Territory, within the framework of Human Rights Council resolutions S-9/1 and S-12/1. The report also reflects information from other United Nations entities and from non-governmental organizations (NGOs).

3. The report should be read in conjunction with recent reports of the Secretary-General (A/HRC/31/43, A/HRC/31/44, A/70/351 and A/70/421), which present additional relevant information for the reporting period. As requested in Council resolution 29/25, the status of implementation of the recommendations of the independent commission of inquiry on the 2014 Gaza conflict and of the 2009 United Nations Fact-Finding Mission on the Gaza Conflict is presented in an addendum to the present report (A/HRC/31/40/Add.1).

4. According to the Office for the Coordination of Humanitarian Affairs, the reporting period saw a dramatic rise in casualties in the Occupied Palestinian Territory, with 95 Palestinians killed (including 18 children) and 10,481 injured (including 1,489 children). Twenty Israelis were killed and 127 were injured in attacks by Palestinians. At least 74 Palestinians were killed¹ in the West Bank, including East Jerusalem — the highest number of fatalities since 2007.

5. In November 2014, tensions continued over the status quo at the Al-Aqsa mosque compound in East Jerusalem (see A/HRC/28/45, para. 57), with regular clashes occurring. Despite some relative calm in the first half of 2015, the situation remained fragile, with peace negotiations to end the long-standing occupation stalled.

6. On 31 July 2015, Israeli settlers set ablaze a Palestinian home in Duma village in Nablus governorate, killing a couple and their 18-month-old child (see A/HRC/31/43, para. 35). The Under-Secretary-General for Political Affairs emphasized that the attack had occurred in the context of a chronic lack of adequate law enforcement in the West Bank, adding that such violence was possible because of the environment created as a result of the decades-long policy of Israel of illegal settlement activities.²

7. From mid-September 2015, serious confrontations between Palestinians and Israeli security forces again erupted in connection with the Al-Aqsa mosque compound. These were fuelled by Palestinian concerns over access restrictions imposed on Palestinians seeking to enter the Old City of Jerusalem, and visits by groups belonging to the temple Mount and Land of Israel Faithful movement groups and senior Israeli officials. Although the Israeli authorities categorically denied plans to change the status quo, their decision to ban from the compound the Murabitat and Murabitin, the groups of activists who seek to protect it, and a raid by the Israeli security forces on the mosque itself on 13 September were seen by many Palestinians as provocations.

8. Unrest, including protests and clashes, spread rapidly throughout the Occupied Palestinian Territory. There was also a large number of stabbings and alleged attempted stabbings by young Palestinians, many of whom were children. October 2015 saw a peak

¹ Including four Palestinians (one child) killed by Israeli settlers.

² Briefing to the Security Council on the situation in the Middle East, 19 August 2015.

in violence. OHCHR documented the killing of 65 Palestinians and 9 Israelis in the West Bank.³ Palestinian casualties in October were the highest in a single month since the Office for the Coordination of Humanitarian Affairs commenced recording casualties in 2005. The Deputy Secretary-General highlighted that this wave of violence would not have erupted "if the Palestinians did not still live under a stifling and humiliating occupation that has lasted almost half a century".⁴

II. Legal framework

9. International human rights law and international humanitarian law apply in the Occupied Palestinian Territory. Israel therefore remains bound by its obligations as the occupying Power, even though the State of Palestine has undertaken obligations by ratifying several international treaties (see A/HRC/28/80, para. 66). Despite the existence of a government of national consensus in the State of Palestine, authorities or groups exercise government-like functions and control over territory in Gaza and are therefore also bound by relevant human rights law in that territory (see A/HRC/8/17, para. 9).

III. Human rights violations by all duty bearers

A. Israeli authorities

1. Excessive use of force and unlawful killings, including possible extrajudicial executions

10. The reporting period saw a sharp increase in apparent incidents of excessive use of force, both in the context of clashes and in response to attacks or alleged attacks by Palestinians against Israelis. Some of these responses strongly suggest unlawful killings, including possible extrajudicial executions. As the High Commissioner has said, "in the context of suspected attacks, several Palestinians have been killed by Israeli security forces, sometimes allegedly acting with disproportionate force, to the extent that extrajudicial killings are strongly suspected".⁵

11. In one case monitored by OHCHR, 18-year-old Hadeel al-Hashlamoun was shot dead by Israeli soldiers on 22 September 2015 at a pedestrian checkpoint in Hebron's old city, close to a number of settlements. According to two witnesses, one of whom photographed the entire incident,⁶ Ms. Al-Hashlamoun was trying to walk away from the checkpoint after a standoff with soldiers when one of them shot her left leg. She fell to the ground, dropping her bag and, according to one witness, a knife. Both witnesses say that after 10 or 15 seconds, the same soldier shot her in her right leg, then five to six times in the abdomen and chest. He then moved closer, until he was only a metre away, and reportedly fired a last bullet into the victim's chest, even though the other soldiers were shouting at him to stop, saying she was dead.

³ An Israeli soldier was also killed in an attack in Beer Sheva, Israel. The Israeli Bedouin attacker and an Eritrean bystander were killed by security guards.

⁴ Briefing to the Security Council on the situation in the Middle East, 22 October 2015.

⁵ Statement by the High Commissioner at a special meeting of the Human Rights Council, 28 October 2015.

⁶ See <http://sanaud-voltaremos.blogspot.com.br/p/brazil-26th-september-2015.html?m=1>.

12. According to the witnesses at the time of the first shot, Ms. Al-Hashlamoun was static and at least 3 metres away from the soldiers, separated by a 1-metre-high metal barrier. The witnesses stated that she did not make any aggressive movement and did not get close to the soldiers. Reports stating the victim was carrying a knife indicated it had fallen to the ground after the first shot, at which point she no longer posed an imminent threat to the soldiers. Thus, the repeated shots to her upper body, while she was lying wounded on the ground, seemed unnecessary and suggest an unlawful killing. Furthermore, the last single shot to her chest, fired from close range, may be indicative of an extrajudicial execution and a wilful killing.

13. The footage from the surveillance cameras at the checkpoint has not been released, but an Israel Defense Forces (IDF) inquiry is reported to have concluded that the death of Ms. Al-Hashlamoun was unnecessary and avoidable.⁷ No criminal investigation had been opened in the case as of 26 November.⁸

14. A large proportion of attackers or alleged attackers have similarly been shot dead.⁹ OHCHR monitored several cases suggesting excessive use of force leading to arbitrary deprivation of life.¹⁰ For example, on 14 October 2015, in East Jerusalem, Israeli security forces personnel shot to death 19-year-old Basil Basim Sidir while he was running away from them. Witnesses interviewed by OHCHR and a publicly available video of the incident indicate that Mr. Sidir was shot repeatedly, at least 12 times, after the first shot had brought him to the ground. He was apparently armed with a knife, but no longer presented an imminent threat once shot. The killing of Fadi Alloun, in East Jerusalem, on 4 October, may also amount to an extrajudicial execution. At least three different videos of the incident show him walking, surrounded by a group of Israelis. Although some reports allege that he had just stabbed someone and was holding a knife, this is not apparent on video. After repeated goading from the crowd, a policeman shot him, although Mr. Alloun did not appear to be presenting any imminent threat. Mr. Alloun was shot seven times, despite having fallen to the ground after the first shot. OHCHR is unaware of investigations into either of these apparently unlawful killings.

15. Law enforcement officials, including members of the armed forces acting in that capacity, have the duty to protect the public and the right to protect themselves, but any force used must be necessary and proportionate. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials specify that firearms may be used only when strictly necessary to protect against the imminent threat to life or of serious injury and only when less extreme means are insufficient to protect against that imminent threat. Loss of life resulting from a failure to respect this principle amounts to a violation of the right to life. In addition, when unjustified and illegal use of firearms by law enforcement officials of the occupying Power is made against protected persons, this may, depending on the circumstances, amount to an act of wilful killing.

16. OHCHR is further concerned about reports of deaths attributable to a delay in the provision of medical assistance to wounded suspects, or owing to Israeli security forces' intentional blocking of ambulances and first responders. For example, witnesses informed OHCHR that an Israeli medic arrived 12 minutes after Hadeel al-Hashlamoun was shot, but

⁷ Gili Cohen, "IDF inquiry: shooting of Palestinian girl in Hebron could have been avoided", *Haaretz*, 1 November 2015.

⁸ Information from a Military Police letter sent to B'tselem, dated 26 November 2015.

⁹ According to OHCHR documentation, 39 attackers or suspects were shot dead in October 2015 and 17 were arrested.

¹⁰ See article 6 of the International Covenant on Civil and Political Rights. See also Steven Klein, "Why Israel's Unwritten 'Shoot to Kill' Policy Is So Dangerous", *Haaretz*, 20 October 2015.

that she was not given first aid. Local media reports said Palestinian medics present at the checkpoint were prevented from reaching Ms. Al-Hashlamoun, and she was left bleeding for about 30 minutes. Similarly, regarding Basil Basim Sidir, two witnesses interviewed by OHCHR stated that, although a medical team had reached the spot within a few minutes, the Israeli security forces did not allow them to attend to the victim for around 15 minutes. The Basic Principles require provision of assistance and medical report "at the earliest possible moment" (principle 5 (c)).

17. Concerns over unlawful killings are underscored by some statements of government officials at the time. For instance, the Minister of the Interior, Gilad Erdan, reportedly declared that "every terrorist should know that he will not survive the attack he is about to commit", while Jerusalem police chief Moshe Edri reportedly declared: "anyone who stabs Jews or hurts innocent people is due to be killed".¹¹ Knesset member and former minister Yair Lapid told Israeli citizens not to hesitate to "shoot to kill anyone who pulls out a knife or screwdriver".¹² Such statements may help explain why most recent attackers were shot to death, contrary to similar incidents between November 1993 and November 2014, when most knife-attackers were reported to have been apprehended.¹³ The above-mentioned statements preceded a number of vigilante incidents, with persons (including Israelis) shot by mistake or on the basis of mere suspicion.

18. Concerns of the excessive use of force also arise in respect of the policing by Israeli security forces of protests. Most clashes during the reporting period involved Palestinians throwing stones, fireworks or Molotov cocktails at elements of the Israeli security forces. In response, the security forces extensively used tear gas, "skunk water", stun grenades and rubber-coated metal bullets. However, the frequent resort to firearms (including 0.22 calibre rifles) against demonstrators raises serious concern. OHCHR documented 18 Palestinians shot dead, and the Office for the Coordination of Humanitarian Affairs reported 825 injured with live ammunition in the context of clashes.

19. IDF states that the use of live ammunition is only permitted when there is "an actual and immediate threat to life, as the last option in the procedures for stopping a suspect, as well as in certain circumstances to contend with the threat to life posed during violent riots".¹⁴ However, in many instances, people killed or injured by live ammunition did not appear to present any threat to life or of serious injury.

20. In one incident monitored by OHCHR, 20-year-old Ihab Jihad Yousef Hanani was shot dead by Israeli security forces on 16 October 2015, at Beit Furik village in Nablus governorate. He was hit in the upper chest with live ammunition while apparently helping to evacuate injured people during clashes. Six other protesters had also been wounded in their legs by live ammunition. While some protesters were throwing stones, there was no indication of any imminent threat to the soldiers who were standing over 100 metres away from the crowd. The use of live ammunition therefore appeared unwarranted and unlawful.

21. Live ammunition has been commonly used in the access-restricted areas in Gaza, particularly affecting farmers and fishermen (see A/70/421, para. 35, and A/HRC/31/44). During the reporting period, the United Nations Department of Safety and Security reported

¹¹ Ibid.

¹² See BBC, "Hard Talk" interview. Available from www.youtube.com/watch?v=k7WeqyMI_GU (at 4:05).

¹³ Steven Klein, "Why Israel's Unwritten 'Shoot to Kill' Policy Is So Dangerous", referring to www.jewishvirtuallibrary.org/jsource/Terrorism/victims.html.

¹⁴ Undated IDF spokesperson reply to B'tselem ("Crowd control: Israel's use of crowd control weapons in the West Bank", 2013, p. 55). IDF open-fire regulations are confidential documents.

508 incidents in which IDF used live ammunition at the Israel-Gaza fence, and 316 at sea, as well as 9 incidents of Palestinians shooting at Israelis.

22. As protests spread into Gaza in October 2015, there were several instances suggesting the unwarranted use of live ammunition against demonstrators near the Israel-Gaza fence, killing at least 13 people according to OHCHR. In addition, conservative estimates by NGOs and local health authorities indicate that at least 350 people were injured by live ammunition and rubber-coated metal bullets in October 2015 alone. Nine of the deaths and at least 60 gunshot injuries took place on 9 and 10 October when IDF fired at protestors in Al-Shuja'iya in eastern Gaza City and in the Al-Faraheen area in the eastern Khan Younis. Shots appeared to have been fired at the upper body and heads of protesters, although witnesses say that there was no imminent threat to life or serious injury to soldiers who were positioned in towers, armoured vehicles or behind dirt-mounds, on the other side of the fence.

23. An 18-year old was among those killed on 9 October. Witnesses told OHCHR that he and a small group of friends were peacefully protesting and chanting approximately 150 metres from the fence in the Khan Younis area. A video of the incident shows that some young men had burned a tyre when Israeli forces shot teargas canisters in their direction. According to the witnesses, the victim was hit shortly after that; medical documents show that he was killed by a single shot in the back, which lacerated his heart. The use of live ammunition in such circumstances was unwarranted, as neither he nor other nearby demonstrators posed any imminent threat.

24. Reportedly, IDF subsequently shifted its practice to use more tear gas, warning shots and shots to the legs.¹⁵ Nonetheless, unwarranted use of live ammunition continued, including in at least five incidents documented by OHCHR where peaceful protesters carrying Palestinian flags were shot and wounded.

25. The extensive, often unwarranted, use of firearms by Israeli security forces in law enforcement operations in the Occupied Palestinian Territory, particularly since September 2015, raises serious questions as to whether the rules of engagement, which are confidential, are in compliance with international law and whether such rules are adhered to in practice. Documented instances of soldiers shooting at persons attempting to evacuate the wounded raise similar concerns.

26. Concerns also extend to instances of excessive force through the use of less lethal weapons, such as rubber-coated metal bullets, particularly when they appear to have been fired in contravention of the regulations of the Israeli security forces, which forbid their use at a range of less than 50 metres.¹⁶ The regulations further restrict their use to firing at the legs of "inciters, key disrupters of order or individuals endangering the well-being of a soldier or another individual", and prohibit their use against women and children.¹⁷ However, the inherent imprecision of rubber-coated metal bullets in use — fired as a pack of three cylinders or a canister of pellets — renders such safeguards largely meaningless and invariably causes ostensibly unintended casualties. According to the Office for the Coordination of Humanitarian Affairs, two Palestinians are reported to have been killed and 2,623 injured by rubber-coated metal bullets in the reporting period.¹⁸

¹⁵ "Southern Command attempts to contain border clashes without use of live fire", *Jerusalem Post*, 13 October 2015.

¹⁶ B'tselem, "Crowd Control Report", p. 22.

¹⁷ *Ibid.*, p. 23.

¹⁸ This includes black sponge-tipped plastic bullets used instead of rubber-coated metal bullets in East Jerusalem.

27. The United Nations country team and the International Committee of the Red Cross raised concerns about excessive force and access to medical care after disruption of medical services following an Israeli security forces raid on Makassed Hospital in East Jerusalem on 29 October.¹⁹ The Palestine Red Crescent Society has also reported large numbers of Israeli security forces assaults on its staff and ambulances.²⁰ Some of these incidents have been documented on video.²¹

28. The Government of Israel has an obligation to respect and protect the right to life and integrity of the person, and to act in accordance with relevant international standards. Concerns of the excessive use of force by Israeli security forces resulting in the deaths and injuries of Palestinians during the reporting period build on similar concerns raised over many years (see A/HRC/28/80/Add.1, para. 12). Accountability in such cases is very rare. Without rigorous regulation and effective accountability, the actions of the Israeli security forces are likely to continue to cause unlawful deaths and injuries.

2. Collective punishment, including punitive demolitions and closures

29. Punitive demolitions, targeting the family homes of alleged perpetrators of attacks on Israelis, resumed in mid-2014 (see A/HRC/28/80/Add.1, para. 8) and continued during the reporting period. According to the Office for the Coordination of Humanitarian Affairs, six punitive demolitions (including "sealing" houses to render them uninhabitable) were carried out in this period, displacing 46 Palestinians, of whom 26 were children.

30. OHCHR monitored the punitive demolition of the family home of Uday abu Jamal, in East Jerusalem. Mr. Abu-Jamal and his cousin were killed when they attacked a West Jerusalem synagogue in November 2014, killing six Israelis. His parents and four siblings were evicted from their family home by Israeli security forces on 1 July 2015. All entry-points to the house were welded shut and concrete was poured inside, virtually up to the ceiling in most rooms, rendering the house uninhabitable. The family subsequently lived in the backyard, in a tent donated by the International Committee of the Red Cross, which the Israeli security forces confiscated on 7 July.

31. By their very nature, the demolitions of family homes punish the relatives of attackers and alleged attackers, and therefore constitute a form of prohibited collective penalty.²² The proposal by the Israeli Security Cabinet to revoke the residency rights of family members of alleged attackers raises similar concerns.²³

32. Furthermore, some punitive demolitions have caused collateral damage to houses and property of neighbours, raising further concerns about the destruction of private property and the right to adequate housing.

33. Punitive demolitions also violate the general prohibition of destruction of private property contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention, art. 53) and, in certain circumstances, may

¹⁹ See www.un.org/apps/news/story.asp?NewsID=52442#.VlwYv3YrKM8 and <http://blogs.icrc.org/ilot/2015/10/30/access-to-healthcare-is-non-negotiable/>.

²⁰ See www.palestinercs.org/en/details.php?nid=1080.

²¹ See <http://972mag.com/photos-israeli-border-police-assault-pepper-spray-palestinian-journalists/113402/>.

²² Article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) and Jean-Marie Henckaerts and Louise Doswald-Beck (eds), *Customary International Humanitarian Law*, Vol. 1: Rules, Cambridge University Press, Cambridge, 2005 (ICRC Customary Law Study), rules 102-103.

²³ "PM to forward bill allowing state to revoke residency of terrorists", *Times of Israel*, 22 November 2014.

lead to forcible transfer (art. 49). Punitive demolitions also violate a range of human rights, including the right to adequate housing and prohibitions on forced evictions (art. 11 of the International Covenant on Economic, Social and Cultural Rights).

34. On 14 October 2015, following the escalation in violence, the Israeli Security Cabinet announced that, in addition to demolitions, the authorities would forbid any construction on the sites of demolished houses. Moreover, the Prime Minister authorized the police to "impose a closure on, or to surround, centres of friction and incitement in Jerusalem" as a means of preventing further attacks.²⁴ In the following days, virtually all Palestinian neighbourhoods were closed off with roadblocks, checkpoints and earth-mounds, affecting the daily life of over 300,000 Palestinians residents.²⁵ In Al-Isawiah, home to nearly 15,000 people, only one road was kept open, with a manned checkpoint, obstructing residents' access to work or school.

35. While Israel, as the occupying Power, can adopt security measures, these should be proportionate to the threat. Disproportionate and discriminatory restrictions are inconsistent with the obligations of Israel to ensure Palestinians enjoy the right to freedom of movement and ensure public life.

36. In Gaza, the unlawful Israeli blockade, which amounts to collective punishment, continued to affect the enjoyment of human rights, particularly economic, social and cultural rights. Despite some positive developments in 2015, including an acceleration of the entry of certain needed materials through the Gaza Reconstruction Mechanism, these remained insufficient to address the overwhelming needs. According to the Global Protection Cluster, as of November 2015, an estimated 95,000 persons remained internally displaced²⁶ since the 2014 hostilities; over 70 per cent of the population was aid dependent; and 73 per cent were food insecure.²⁷ The closure of Rafah crossing by Egypt since October 2014, which crossing had previously helped to alleviate the effects of the blockade, has exacerbated the humanitarian situation. Only the lifting of the blockade would enable improvement in the realization of human rights in Gaza (see A/HRC/28/45, paras. 34-42, and A/70/421, paras. 15-29).

3. Detention, including administrative detention

37. With hundreds of Israeli security forces search-and-arrest operations every month in the reporting period, Israel detains a large number of Palestinians. As of 31 October 2015, 5,683 Palestinians were "security prisoners".²⁸ Although there was a decrease in early 2015 after the spike in arrests in mid-2014, according to one NGO, the Palestinian Prisoners Club, 1,500 were arrested in the West Bank, including East Jerusalem in October 2015.

38. In particular, there was a sharp increase in the number of children in detention: from 163 on 30 October 2014 to 307 as of 30 October 2015.²⁹ This is the highest number of detained children since April 2010, and appears largely due to the significant number of

²⁴ Israel, Prime Minister's office, "Security Cabinet Approves Series of Additional Measures to Deal with the Wave of Terrorism", 14 October 2015.

²⁵ Office for the Coordination of Humanitarian Affairs, "New movement restrictions in East Jerusalem as of 5 November 2015". Available at www.ochaopt.org/documents/ej_2015oct21.pdf.

²⁶ Office for the Coordination of Humanitarian Affairs, "Israel removes restrictions on the import of aggregates", November 2015. Available at <http://gaza.ochaopt.org/2015/11/reconstruction-of-over-one-quarter-of-totally-destroyed-homes-ongoing-or-about-to-start/>.

²⁷ Office for the Coordination of Humanitarian Affairs, *Strategic Response Plan 2015*. Available from www.ochaopt.org/srp2015/.

²⁸ See www.btselem.org/statistics/detainees_and_prisoners (accessed on 31 October 2015).

²⁹ See www.btselem.org/statistics/minors_in_custody (accessed on 30 October 2015).

children arrested during the surge in violence in October 2015 — 177 according to the Palestinian NGO Addameer.³⁰

39. This situation raises questions as to whether the detention of minors is being used only as a measure of last resort, as demanded by the Convention on the Rights of the Child. The Public Committee against Torture in Israel, an NGO, informed OHCHR that it has documented between 40 and 50 children from East Jerusalem, some as young as 12, sent to the Givon prison complex in Ramla, where conditions are reported to be poor.

40. During the reporting period, the number of Palestinian Legislative Council members in detention decreased (from 25 to 5). Yet, the case of Council Member Khalida Jarrar is emblematic of Israeli detention practices. She was arrested on 2 April 2015 and placed under administrative detention by the military commander in the West Bank. On 15 April, she was charged with a range of offences relating to membership of the Popular Front for the Liberation of Palestine and incitement to kidnapping Israeli soldiers. Her trial in the military court was monitored by diplomatic missions and human rights organizations, including OHCHR, and there are serious concerns as to its fairness. The prosecution's evidence appears to be largely based on statements by former and current Palestinian prisoners made after interrogation by the Israel Security Agency. Two witnesses retracted their statements at the first hearing, stating they were made after ill-treatment, threats and coercion. Nevertheless, the judge maintained the original statements as evidence. At a bail hearing on 21 May, the military prosecution told the judge that even if Ms. Jarrar were to be released on bail, she would be held under administrative detention. On 7 December, she was sentenced to 15 months in prison, after she accepted a prosecution plea-deal, reportedly because she did not believe she would be given a fair trial and was concerned that her detention would never end.

41. According to official Israeli statistics, there were 429 administrative detainees (all male) at the end of October 2015, compared with 462 a year before.³¹ A reduction during most of 2015 was reversed by a sharp increase in detention orders in October 2015. For the first time since December 2011, administrative detention was applied to children, with three 17-year-old boys from East Jerusalem detained without charge in mid-October for allegedly stone-throwing.³² A 16-year-old boy from Hebron was detained on 31 October 2015 on allegations of stabbing. In a rare move, three Jewish-Israeli men were also held in administrative detention following the suspected settler attack in Duma village on 31 July.

42. The use by Israel of administrative detention has been widely condemned, including by the Secretary-General and the Human Rights Committee, who called for its end (see A/HRC/28/80, para. 33).³³ This practice is inconsistent with the exceptional nature of detention permitted under article 78 of the Fourth Geneva Convention.

43. Most Palestinian detainees, including administrative detainees and many children, are held in Israel. The prohibition of forcible transfer also applies to detainees to the extent that they may not be deported outside the occupied territory (arts. 49 and 76). The actions of Israel therefore constitute a grave breach of the Fourth Geneva Convention (art. 147).

³⁰ Addameer, "Israeli occupation arrests 1,195 Palestinians and issues 128 administrative detention orders", 2 November 2015. Available at www.addameer.org/news/addameer-israeli-occupation-arrests-1195-palestinians-and-issues-128-administrative-detention.

³¹ See www.btselem.org/administrative_detention/statistics.

³² See www.dci-palestine.org/three_east_jerusalem_teens_held_in_administrative_detention.

³³ See also OHCHR spokesperson, press briefing, 10 April 2015.

4. Hunger strikers, torture and ill-treatment

44. During the reporting period, some Palestinian administrative detainees resorted to hunger strikes to protest against their unlawful indefinite detention without charge. For instance, lawyer Mohammad Allan, who had been detained since 11 November 2014, began a hunger strike on 16 June 2015. On 10 August, he was moved into intensive care at a hospital, chained to a bed despite his obvious weakness. On 14 August, he lapsed into a coma for four days, and was reportedly given minerals intravenously. On 20 August, he ended his hunger strike after 65 days, when the Israeli High Court suspended his administrative detention. The suspension was directed on the grounds that his MRI scan showed extensive brain damage and that he could not be a security risk. However, he was detained again on 16 September and resumed his hunger strike until his release, on 4 November, when the detention order expired.

45. Mohammad Allan was among the first detainees at risk of force-feeding after an amendment to the Israeli Prisons Act, passed by the Knesset on 30 July 2015, permitted a District Court President to authorize force-feeding of a detainee on hunger strike.³⁴ Although its stated aim was to save the life of the detainee, the legislation allows the Courts to factor into their decisions the State's security and public safety. In a further similarity with the administrative detention process — the root of many hunger strikes — the Court may make its decision in a closed session and on the basis of secret evidence, not accessible by the detainee's lawyer. The bill included an important safeguard, namely the requirement that a doctor certify that the patient would be in immediate, mortal danger were the hunger strike to continue. However, the final text referred to the Hebrew term *metapel* (instead of doctor),³⁵ which, in Israeli law, encompasses medical trainees, midwives, physiotherapists, occupational therapists, speech therapists and nutritionists (see Patients' Rights Act, 1996).

46. Various United Nations bodies and experts have raised concern about the enactment of this law, reiterating that force-feeding was tantamount to cruel, inhuman or degrading treatment, and a violation of the right to health.³⁶ The Israel Medical Association stated that force-feeding amounted to torture. In September 2015, several Israeli organizations challenged the law before the High Court. The petition is currently pending.

47. OHCHR has received reports of ill-treatment of detainees generally. The Public Committee against Torture in Israel submitted 23 complaints of torture to investigatory bodies relating to the current reporting period.³⁷ Most allegations refer either to assaults at the time of arrest or beating and threats during interrogation, particularly by the Israel Security Agency. Common means of ill-treatment include sleep deprivation, stress positions, sexual harassment and physical assaults. The United Nations Children's Fund (UNICEF) and partner organizations also documented 58 cases of West Bank children reporting ill-treatment by the Israeli security forces. Common complaints were physical violence, being blindfolded with hands painfully tied, and strip searches, while some reported being held in solitary confinement.

48. On 4 July 2015, the Knesset extended the temporary law exempting the interrogations of Palestinian "security suspects" from audiovisual recording for an additional year and a half; the latest in a series of continuous extensions since 2002. This

³⁴ The bill was introduced at the time of the mass hunger strikes, in June 2014 (see A/HRC/28/80, para. 34).

³⁵ Addameer, "Factsheet: Force-feeding under International Law and Medical Standards", 16 November 2015.

³⁶ Joint statement on new Israeli law on force-feeding of detainees, 8 August 2015; "UN experts urge Israel to halt legalization of force-feeding of hunger-strikers in detention", 28 July 2015.

³⁷ Public Committee against Torture in Israel, "Update – November 1st, 2014 – October 31st, 2015".

removes a key safeguard against torture, ill-treatment and the extraction of "confessions" under duress (see CCPR/C/ISR/CO/4, para. 14).

5. Changes to laws affecting children's rights

49. On 20 July, the Knesset amended the criminal law to increase the maximum sentence for throwing stones or other objects at moving vehicles, to 20 years when the intent to harm the occupants of the vehicle can be established (irrespective of the harm caused), and 10 years when the intent cannot be proven. Throwing stones at a police vehicle can lead to a sentence of up to five years, irrespective of whether damage or injury was caused.

50. This was followed by a retrograde change in policy, in August 2015, by the State Prosecutor, requiring all prosecutors to seek detention of suspects charged with stone-throwing until the end of legal proceedings. This practice had already been used by the Jerusalem District Attorney's Office since July 2014, reportedly with the result that most arrested children remained in detention for at least two to three months before release. The prosecutorial directive is inconsistent with the presumption of release on bail under the International Covenant on Civil and Political Rights. The measures invariably target Palestinian children who tend to resort to such forms of protest, and therefore violate the requirement that the detention of children be a measure of last resort (art. 37 (b) of the Convention on the Rights of the Child).

51. On 2 November 2015, the Knesset passed an additional temporary order, valid for three years, amending the Youth Law and the National Insurance Law, thereby providing for the revocation of national insurance entitlements for children convicted of "security-related" offences (including stone-throwing), and imposing a fine of 10,000 shekels (approximately US\$ 2,500) on parents of a child convicted of stone-throwing.

6. Human rights defenders and journalists

52. Physical attacks against, and harassment of, human rights defenders continued, especially against the backdrop of the upsurge of violence since September 2015. Protective presence organizations in Hebron faced repeated threats, assaults and arrests, by settlers and Israeli security forces. In October 2015, posters appeared in Hebron with photos of staff of these organizations, branding them as anti-Semitic "hostile anarchists" and calling for them "to be dealt with".

53. The Palestinian Centre for Development and Media Freedoms documented hundreds of instances of journalists subjected to harassment over the reporting period.³⁸ In a number of instances, journalists reporting on protests were physically assaulted by elements of the Israeli security forces, who also damaged or confiscated their equipment.³⁹ Journalists and human rights defenders have a vital role in society as they report on human rights violations and abuses and promote accountability. Their harassment has a chilling effect on freedom of expression.

7. Hostilities in Gaza

54. According to the Department of Safety and Security of the Secretariat, during the reporting period, Israel carried out 31 airstrikes in Gaza, reportedly in retaliation for 24 rockets fired into Israel by Palestinian armed groups (a further 66 fell short). In one incident

³⁸ See www.madacenter.org/reports.php?id=13&lang=1.

³⁹ See <http://972mag.com/watch-israeli-soldiers-attack-cameras-belonging-to-palestinian-foreign-journalists/112049>.

on 11 October 2015, an Israeli airstrike directly hit a Palestinian home in Zeitoun, west of Gaza City, killing a pregnant woman and her 2-year-old daughter. IDF claimed they had targeted a known "weapons production site".⁴⁰ However, OHCHR did not find any indications of such facilities in the vicinity of the attack, which only impacted the family's home, a civilian structure, which, under international law, should not be targeted.

55. IDF also reportedly conducted 46 incursions, up to 300 metres into Gaza, levelling the ground and compromising access of local farmers to their livelihoods.

B. Palestinian authorities

1. Arbitrary detention and administrative detention

56. During the reporting period, OHCHR documented cases of arbitrary arrests and detentions, mainly of persons affiliated with opposition groups. In particular, mass arrests of individuals with alleged links to Hamas and Islamic Jihad were carried out in early March and early July 2015 in the West Bank.

57. An emblematic case is that of two Hamas activists who were arrested by the General Intelligence Service (GIS) in early February 2015, in Hebron, on charges of money laundering. GIS failed to respect a court order on 18 February for their release on bail and the two men remained in detention on new grounds, namely for "inciting sectarian strife". The following day, the prosecution introduced an additional indictment for possession of an unlicensed weapon. On 22 February, the two men were granted bail by the court on all charges. Despite the rejection of the prosecution's appeal, they remained in detention until 3 March.

58. OHCHR inquiries into a number of similar cases revealed that, although the detainees were expecting to be released on bail, their continued detention was sanctioned by administrative orders issued by provincial governors (see A/HRC/28/80, para. 46). Administrative detention also appears to be regularly used to cover the initial days after the arrest, effectively sidestepping the important safeguard of being promptly brought before a judge (art. 9 (3) of the International Covenant on Civil and Political Rights). The Palestinian Independent Commission for Human Rights thus registered 75 complaints of administrative detention during the reporting period.⁴¹ A majority of detainees interviewed by OHCHR also appear to have been held administratively at some stage, while international human rights law stresses the exceptional nature of such detention.

59. OHCHR is concerned about the practice by Palestinian security agencies of detaining people "for their own security". For instance, Islam Hamed was not released after the completion of a three-year sentence, despite an order from the Palestinian High Court, on 24 November 2014, that his continued detention was illegal. GIS informed OHCHR that the continued detention was for Mr. Hamed's own safety, as he was under threat from the Israeli security forces. He was eventually released on 21 July 2015, after a two-month hunger strike, when his family had signed a waiver absolving the Palestinian Authority of any liability for his safety. OHCHR has documented other cases where detentions are reported to have taken place "under the order of the Head of Agency", referring to GIS and the Preventive Security Service. The legal basis of such detentions is unclear.

⁴⁰ See www.idf.il/1133-22784-he/Dover.aspx (available in Hebrew only).

⁴¹ Monthly reports on website.

2. Torture and ill-treatment

60. Torture and ill-treatment are prohibited under Palestinian law. OHCHR has enjoyed the cooperation of the Palestinian authorities in gaining unannounced and unrestricted access to Palestinian Preventive Security and GIS detention facilities (see A/HRC/25/40, para. 44). In some instances during the reporting period, the Office was refused access to detention centres run by GIS. In March 2015, the Independent Commission for Human Rights denounced the decision of the Palestinian police prohibiting its staff from visiting a detainee in the Ramallah Rehabilitation and Correction Centre.⁴² Such restrictions are particularly concerning as OHCHR continued to receive reports of ill-treatment and the Independent Commission for Human Rights registered 194 complaints of torture and ill-treatment during the reporting period. In some instances documented by OHCHR, detainees reported ill-treatment but were unwilling to share details owing to threats and fear of reprisal by the authorities. In a few instances, detainees denied being ill-treated despite visible injuries.

61. Opposition activists, including students, appeared to be particularly targeted by Palestinian security agencies. Between 17 December 2014 and 26 February 2015, seven Hamas-affiliated students held a sit-in at Birzeit University, which they refused to leave for fear of arrest and ill-treatment as they had previously been detained and allegedly ill-treated on several occasions. OHCHR intervened with the authorities who repeatedly gave assurances that ill-treatment would not be condoned. On 28 February, one of the students was arrested by the Preventive Security Service and detained until 2 March. After his release, he informed OHCHR that he had been kept in *shabeh* (a stress position for an extended period of time) for nearly six hours: he had been made to stand face to the wall with arms lifted and had been told not to touch the wall. In the interrogation that followed, he was reportedly slapped on the face five times. He stated that, at the end of the session, his hands were tied to the top of a ladder with his own belt and he was left suspended. He told OHCHR that, when he cried out in pain, the officers told him they had high-level clearance to kill him. They reportedly later put him in *shabeh* again until the next morning, checking every half hour whether he was willing to talk.

62. In another case documented by OHCHR, the detainee had been transferred many times to different GIS detention centres and reportedly repeatedly tortured over many weeks. He reported being held in *shabeh* for hours at a time, blindfolded, with his hands tied behind his back and pulled up, and tied to a rope fixed to the ceiling, with toes barely touching the ground and the weight of his entire body on the shoulders. He testified in detail to being slapped, punched, kicked and beaten with a baton on his palms and the soles of his feet, and with an electric cable, on the lower part of his body. Medical reports examined by OHCHR, along with bruises on his body were consistent with his testimony.

3. Excessive use of force

63. OHCHR received allegations of unwarranted or excessive force, gratuitous violence and abuse of power by Palestinian security forces. For instance, on 2 December 2014, in Al-Yamon village, members of the Palestinian special police force reportedly used batons to beat dozens of unarmed people at a condolence meeting, after accusing them of shielding wanted individuals. On 2 January 2015, in Misliya village, the Palestinian Special Police Force and the Palestinian National Security Forces allegedly assaulted several people, largely bystanders, after family members of a detainee attacked a police car and released him from custody. Under the Basic Principles on the Use of Force and Firearms by Law

⁴² Independent Commission for Human Rights, press statement, 4 March 2015.

Enforcement Officials, it is required that arbitrary or abusive use of force should be punishable as a criminal offence.

64. On 18 September 2015, near the Azza refugee camp, Bethlehem, the Palestinian National Security Forces used live ammunition, tear gas and stun grenades against demonstrators throwing stones. They reportedly assaulted some of the young men in their custody with batons.⁴³ The use of live ammunition in the absence of imminent threat to life or serious injury, and the violence against detainees are inconsistent with the international obligations of the State of Palestine, notably under the International Covenant on Civil and Political Rights. Although the Prime Minister and the Commander of the Palestinian National Security Forces promptly announced the establishment of two committees to investigate the Bethlehem incident, accountability for instances of excessive use of force generally remains rare.

65. On 23 May 2015, GIS officials in Jenin shot a man in the leg after having restrained him. His brother was severely beaten to the extent that his genitals were crushed and required partial surgical removal. The brothers filed a complaint with Military Intelligence, but OHCHR was informed that the victims were repeatedly pressured to withdraw their complaint because the main GIS official they accused is a senior Fatah leader. OHCHR is not aware of any investigation into the incident.

4. Freedom of expression

66. OHCHR has received reports of violations of the right to freedom of expression, particularly regarding people critical of the Palestinian Authority leadership. The case of Lama Khater, a writer known for supporting Hamas, is emblematic. She and her family have been subjected to repeated threats and harassment by the security forces for her writing and her organization of peaceful demonstrations. One instance monitored by OHCHR took place late at night on 22 March, when Ms. Khater's house in Hebron was raided by GIS. They did not show any arrest or search warrant. They allegedly used force against Ms. Khater's husband and detained him for one night.

67. Information received by OHCHR indicates that Palestinian security agencies appear to be monitoring Palestinians' social media activity. OHCHR documented some cases where journalists and civil society activists were threatened or arrested for comments made online criticizing the Palestinian leadership. Such harassment and unlawful restrictions have a general chilling effect on freedom of expression.

5. Death penalty

68. No executions were reported between 1 November 2014 and 31 October 2015, in accordance with the President's policy. However State prosecutors continued to seek death sentences and courts issued them in two cases. On 11 January 2015, the Permanent Military Court in southern West Bank condemned to death for treason a 27-year-old man from Jenin. On 16 September 2015, the Ramallah Court of Appeal sentenced a man to death for murdering his sister-in-law and her two children, after a successful appeal by the prosecution. As of November 2015, both cases were under appeal.

⁴³ See video published by Middle East Eye. Available at www.youtube.com/watch?v=-uOpsGV6isc&feature=youtu.be.

C. Authorities in Gaza

1. Due process violations, torture and ill-treatment

69. Arbitrary arrests and other due process violations, as well as torture and ill-treatment by security forces, remained issues of concern in Gaza. During the reporting period, the Independent Commission for Human Rights registered at least 708 complaints of arbitrary detention and violations of due process guarantees, and 462 allegations of torture or ill-treatment. The majority of allegations were against local police forces, but corrections officers and members of the internal security apparatus also stand accused.

70. Information collected by OHCHR indicates that security forces often arbitrarily summon and sometimes unlawfully detain citizens for prolonged periods of time, often incommunicado. Reported violations included excessive use of force upon arrest, denial of the right to remain silent, and to have legal representation and contact with family.

71. Reports of torture or ill-treatment described beatings with belts, water pipes and sticks, verbal abuse and intimidation, sensory deprivation, *shabeh*, waterboarding and prolonged solitary confinement. The level of violence employed during certain interrogations required detainees to be hospitalized, including owing to open wounds, internal bleeding and fractures. OHCHR suggests that particularly harsh interrogation techniques appear to be used against detainees suspected of treason or of belonging to Salafi groups. Relatives of detainees were also reportedly targeted for harassment and arrest by security officials.

72. Members and supporters of Fatah in particular have reported a consistent campaign by security forces, in particular the internal security apparatus, of summons and arrests and torture or ill-treatment. For example, a senior Fatah official and his colleagues were reportedly warned by senior security officials, on 31 December 2014, not to mark Fatah's fiftieth anniversary that week. On 4 January 2015, the official was summoned to Ansar police station and driven to an undisclosed location along with another Fatah member. He was allegedly forced to undress, was interrogated and was denied the opportunity to pray. He was also beaten, forced to endure *shabeh* and hung from the wall for almost an hour. No arrest warrant was produced and charges were never levelled against him. He claimed that he has been detained and interrogated over 40 times by local security officials owing to his affiliation with Fatah.

2. Rights to freedom of expression and peaceful assembly

73. Reportedly, Gaza authorities have increasingly sought to silence political opposition or critics, and failed to protect persons from third-party attacks due to their beliefs and opinions. Internal security forces (as well as unidentified armed individuals) have allegedly employed excessive use of force and gratuitous violence to disperse peaceful assemblies.

74. Among the rallies disrupted were those of political opponents, gatherings denouncing the deteriorating economic situation, failing public services or protesting actions by security forces. Several individuals were detained in connection with these gatherings and forced to sign "moral codes of conduct" or declarations that they would not disturb peace again.

75. On a few occasions, security forces stated they had intervened during demonstrations because prior authorization had not been sought. Nevertheless, under international human rights law and the Palestinian Public Meetings Law No. 12 of 1998, the prior consent of authorities is not required to hold peaceful assemblies.

76. Palestinian human rights organizations have noted a marked increase in attacks on freedom of the press, either by local authorities or unidentified armed individuals. The

Palestinian Centre for Development and Media Freedoms registered at least 45 such cases in the first six months of 2015, compared to 24 cases in 2014.⁴⁴

77. OHCHR found several instances where journalists were prevented, often through force, from covering events deemed critical of Hamas. Others have been questioned at police stations about social media posts or articles critical of Gaza authorities.

78. On 29 April 2015, in Al-Shuja'iya neighbourhood, security officials and members of different Islamic factions in the Gaza Strip interrupted a student gathering calling for Palestinian unity. Participants were reportedly beaten with clubs and metal bars and shot at, including by plain-clothes security forces. The authorities claimed that they intervened when fighting broke out during the protest. Journalists who witnessed the scene stated that security officials tried to prevent them from covering the event, assaulted them and destroyed equipment.

3. **Death penalty**

79. No executions were carried out within the Gaza Strip during the reporting period. However, local courts issued two death sentences related to murder charges while the Permanent Military Court sentenced four individuals to death (one in absentia) for collaboration with Israel.

IV. Accession by the State of Palestine to international human rights treaties

80. During the period under review, the Government of the State of Palestine advanced in the preparation of the first round of reports under the seven human rights treaties to which it acceded in 2014. OHCHR was informed that the first drafts of reports under the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women are under internal review and will be submitted for national consultations. OHCHR worked with the Government to ensure that line ministries use the reporting process to establish baselines from which to monitor implementation of human rights in the context of national development programming. OHCHR has also been supporting the Independent Commission for Human Rights in assuming its important role as the bridge between the Government and civil society with regard to treaty implementation and monitoring.

V. Recommendations

A. Government of Israel

81. **The High Commissioner recommends that the Government of Israel:**

(a) **Carry out an independent review of the Israeli security forces rules of engagement and ensure that they are consistent with international human rights law and standards, along with the actual use of force and firearms in the context of law enforcement (including in the access restricted areas);**

⁴⁴ See www.madacenter.org/index.php?lang=1.

(b) Ensure that all torture and ill-treatment is outlawed and swiftly ended, and remove exemptions for interrogations of Palestinian "security suspects" from the requirement to record interrogations;

(c) Conduct prompt, thorough, effective, independent and impartial investigations into all incidents of the use of force leading to death or injury, ensuring they are subject to public scrutiny;

(d) Hold to account all individuals responsible for human rights violations and provide victims with an effective remedy;

(e) End all forms of collective punishment, including the blockade on Gaza and punitive demolitions;

(f) Ensure that the Israeli Prisons Act is consistent with international human rights law; in particular, repeal provisions allowing force-feeding of detainees on hunger strike;

(g) End the system of administrative detention and ensure that all detainees are promptly charged or released;

(h) Respect international humanitarian law, particularly the principles of distinction, proportionality and precaution, and ensure accountability for all violations.

B. Government of the State of Palestine

82. The High Commissioner recommends that the Government of the State of Palestine:

(a) Ensure that arbitrary arrests and detentions are not carried out — due process guarantees should be respected and no person should be held without legal basis or in a manner inconsistent with international human rights law;

(b) End the widespread practice of administrative detention through governors' orders in the West Bank — detainees should be promptly charged or released;

(c) Ensure that torture and ill-treatment are promptly ended and that rules of engagement and actual use of force and firearms by law enforcement officials are consistent with international human rights law and standards;

(d) Conduct and ensure prompt, thorough, effective, independent and impartial investigations into all incidents of use of force leading to death or injury, ensuring that they are subject to public scrutiny, bring perpetrators to justice and provide victims with an effective remedy;

(e) Respect the right to freedom of expression and peaceful assembly, including for journalists and those with perceived links to opposition groups, and ensure thorough and transparent investigations into allegations of attacks by third parties against journalists and activists;

(f) Announce a moratorium on the death penalty including the award of such sentences, as a step towards abolition.

C. Authorities in Gaza and Palestinian armed groups

83. The High Commissioner calls upon the authorities in Gaza:

(a) To take all measures necessary to ensure that the rights of persons deprived of liberty are respected, including by ensuring effective, independent, impartial, thorough and transparent investigations into allegations of torture and ill-treatment, and ensure that perpetrators are brought to justice and that victims have access to an effective remedy;

(b) End unlawful restrictions on freedoms of expression and peaceful assembly.

84. In Gaza, the authorities and Palestinian armed groups should respect international humanitarian law, particularly the principles of distinction, proportionality and precaution, and ensure accountability for all violations.



General Assembly

Distr.: General
7 March 2016

English only

Human Rights Council

Thirty-first session

Agenda items 2 and 7

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Human rights situation in Palestine and other
occupied Arab territories**

Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1

**Addendum- Implementation of the recommendations contained in the
reports of the independent commission of inquiry on the 2014 Gaza
conflict and of the United Nations Fact-Finding Mission on the Gaza
Conflict***

Report of the United Nations High Commissioner for Human Rights

Summary

The present report focuses on progress in implementing the recommendations made by the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48), and the independent commission of inquiry on the 2014 Gaza conflict (A/HRC/28/79). It reviews all recommendations made by the fact finding mission and the commission of inquiry, and provides detailed information on non-implementation of the recommendations.

* Reproduced as received.



Contents

	<i>Page</i>
I. Introduction	3
II. Progress in the implementation of the recommendations of the Fact-Finding Mission on the Gaza Conflict, and the Independent Commission of Inquiry on the 2014 Gaza conflict	3
A. Human Rights Council	3
B. Security Council	5
C. General Assembly	5
D. Government of Israel	6
E. Government of Israel, Palestinian Authorities and the authorities in Gaza	16
F. Palestinian armed groups	17
G. The State of Palestine, Palestinian authorities and the authorities in Gaza	18
H. International community	21
I. International community and responsible Palestinian authorities	23
J. International community, Israel and Palestinian authorities	24
K. Secretary-General	25
L. Office of the United Nations High Commissioner for Human Rights	25
M. Conclusion	26

I. Introduction

1. In its resolution 29/25, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to present at its thirty-first session, as part of the reporting requested by the Human Rights Council in its resolutions S-9/1 and S-12/1, a report on the implementation of the resolution in question and of the recommendations contained in the reports of the independent commission of inquiry on the Gaza conflict 2014 (Commission) (A/HRC/28/79) and of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict (Mission) (A/HRC/12/48).

2. The present report reflects information which OHCHR requested and received from States, organizations and other entities to which the Mission and the Commission addressed recommendations, as well as information gathered by the United Nations. The report should be read in conjunction with previous reports of the High Commissioner for Human Rights and the Secretary-General on the implementation of the Mission's recommendations, including A/HRC/13/55, A/HRC/15/51, A/HRC/15/52, A/HRC/18/49, A/HRC/21/33, A/HRC/22/35 and A/64/890. Some of the issues raised by the Mission and the Commission have been reported in more recent United Nations reports including A/HRC/28/45, A/HRC/28/80, A/HRC/28/80.Add1, A/70/354-S/2015/677, A/70/133, A/70/406, A/70/421, S/2015/286 and A/70/392. The report should also be read in conjunction with relevant reports presented at the thirty-first session of the Human Rights Council, including A/HRC/31/44 and A/HRC/31/40.

II. Progress in the implementation of the recommendations of the United Nations Fact-Finding Mission on the 2009 Gaza Conflict and the independent commission of inquiry on the 2014 Gaza conflict

3. On 12 October 2015, OHCHR sent a note verbale to all Permanent Missions of the United Nations in Geneva seeking inputs to the report. It also sent notes verbales to the International Committee of the Red Cross (ICRC), the United Nations Country Team in the Occupied Palestinian Territory (UNCT), the United Nations Environment Programme (UNEP), the United Nations Special Coordinator Office for the Middle East Peace Process (UNSCO), and the United Nations Relief Works Agency for Palestinian Refugees in the Near East (UNRWA). Inputs were also sought from civil society organisations. OHCHR received inputs from UNCT, UNEP, UNRWA, the State of Palestine and some Palestinian and Israeli civil society organizations. No response was received from the Government of Israel.

4. The High Commissioner highlights that recommendations 1968 (c), 1970, 1972 (h) and 1973 (b) of the Mission's report have either been fully implemented, as reflected in A/HRC/21/33, has no further updates or are not relevant anymore.

A. Human Rights Council

5. Paragraph 1968 (a) of the Mission's report (A/HRC/12/48) recommended that the Council endorse its recommendations, take appropriate action to implement them, and continue to review their implementation. In paragraph 3 of resolution S-12/1, the Human Rights Council endorsed the Mission's recommendations and called upon all concerned parties, including United Nations bodies, to ensure their implementation in accordance with

their respective mandates. This call was reiterated in resolutions 13/9, 15/6, 16/32, 19/18, 22/25¹ and 25/30.

6. Through resolution 13/9, the Human Rights Council established a committee of independent experts in international humanitarian and human rights laws to monitor and assess domestic legal or other proceedings undertaken by the Government of Israel and the Palestinian side. The assessment was to take into account the independence, effectiveness and genuineness of domestic investigations and proceedings, and their conformity with international standards. The experts presented their reports (A/HRC/15/30 and A/HRC/16/24) to the Human Rights Council, which called for the implementation of their conclusions in resolution 16/32. In its resolution 15/6, the Council welcomed that report and renewed and resumed the mandate of the committee. The committee presented its second report to the Council at its sixteenth session (A/HRC/17/24). In its resolution 16/32, the Council took note of the two reports submitted by the committee and called for the implementation of its conclusions.

7. Paragraph 1968 (b) of the Mission's report (A/HRC/12/48) recommended that, in view of the gravity of the violations of international human rights and international humanitarian law and possible war crimes and crimes against humanity that it had reported, the Human Rights Council request the Secretary-General to bring the report to the attention of the Security Council under Article 99 of the Charter of the United Nations for the Security Council to consider possible action, according to the Mission's relevant recommendations. At the time of drafting this report, the Human Rights Council had not addressed any request to the Secretary-General to bring the Mission's report to the attention of the Security Council under Article 99 of the Charter.

8. In line with the Mission's recommendation that the Human Rights Council submit the Mission's report to the General Assembly with a request that it should be considered (A/HRC/12/48, paragraph 1968 (d)), as mentioned in the report of the Secretary-General (A/HRC/18/49, paragraph 10) the Council recommended that the General Assembly consider the Mission's report and implement actions referred to in resolution S-12/1 B, 15/6 and 16/32.² In resolutions 19/18, 22/25, 25/30 and 29/25, the Council reiterated its recommendation that the General Assembly remain apprised of the matter. The High Commissioner notes that the Council remains seized of the matter.

9. Paragraph 1968 (e) of the Mission's report (A/HRC/12/48) recommended that the Council should bring its recommendations to the attention of relevant human rights treaty bodies for them to include, when possible, review of progress in their implementation in accordance with their mandate and procedures. The Mission also called upon the Council to review such progress in the context of the Universal Periodic Review (UPR). As stated in the Secretary-General's report (A/HRC/13/55 para. 14), on 10 December 2009, the Mission's report was transmitted to relevant United Nations treaty bodies. In addition, the recommendations made by states participating in the interactive dialogue during the review of Israel in the Working Group on the Universal Periodic Review in 2013 (A/HRC/25/15) substantively overlap with the recommendations of the Mission's report. Finally, the

¹ In this resolution, the Human Rights Council did not renew its call to continue specific reporting on the implementation of the recommendations of the Mission. In paragraph 1, it reiterated its recommendation that the General Assembly remain apprised with the matter until satisfied that the recommendations of the Mission's report were implemented.

² In paragraph 8 of resolution 16/32, the Human Rights Council recommended that the General Assembly should submit the report to the Security Council for its consideration and appropriate action, including consideration of referral of the situation in the Occupied Palestinian Territory to the Prosecutor of the International Criminal Court.

information compiled by OHCHR for the second cycle of Israel's UPR referred to the Mission's report (A/HRC/WG.6/15/ISR/2).

10. Following the presentation of the report of the Commission of Inquiry on Gaza (A/HRC/29/CRP.4), the Council passed resolution 29/25, recalling the report of the Fact-Finding Mission on the Gaza conflict of 2009, and recommending that the General Assembly remain apprised of the matter until it is satisfied that appropriate implementation of the Mission's recommendations had been undertaken at the domestic and international levels.

11. With regard to the Commission's recommendation that the Council ask for a comprehensive review of the implementation of the numerous recommendations addressed to the parties by its own mechanisms, in particular relevant commissions of inquiry and fact-finding missions, and explore mechanisms to ensure their implementation (A/HRC/29/CRP.4 para 685), the High Commissioner notes that this has only been partly implemented. Instead, the Council requested OHCHR to present a report on the implementation of resolution 29/25 and of the recommendations of the Mission and the Commission.

B. Security Council

12. Paragraph 1969 (a) of the Mission's report (A/HRC/12/48) recommended that the Security Council require the Government of Israel, under Article 40 of the Charter, (i) to take all appropriate steps, within a period of three months, to launch appropriate investigations that are independent and in conformity with international standards, into the serious violations of international humanitarian and international human rights law reported by the Mission and any other serious allegations that might come to its attention; and (ii) to inform the Security Council, within a further period of three months, of actions taken, or in process of being taken, by the Government to inquire into, investigate and prosecute such serious violations.

13. To date, the Security Council has not required that the Government take all appropriate steps to launch appropriate investigations into the serious violations of international humanitarian and international human rights law reported by the Mission. The Security Council has not established a committee such as that detailed by the Mission (see A/HRC/12/48, para. 1969, subparas. (b) – (e)).

C. General Assembly

14. Paragraph 1971 (a) of the Mission's report (A/HRC/12/48) recommended that the General Assembly request the Security Council to report to it on measures taken to ensure accountability for serious violations of international humanitarian and international human rights law in relation to the facts in its report and any other relevant facts in the context of the military operations in Gaza, including the implementation of the recommendations. To date, the General Assembly has not made such request to the Security Council. With regard to the adequate and effective implementation of the recommendation, the High Commissioner refers to paragraph 12.

15. The General Assembly has not established an escrow fund as recommended by the Mission (A/HRC/12/48, paragraph 1971 (b)) to pay adequate compensation to Palestinians who have suffered loss and damage as a result of unlawful acts attributable to Israel during

the December 2008 – January 2009 military operation and related actions.³ As the right of victims to reparations, including compensation, is crucial to achieve justice and build peace, the High Commissioner recalls the importance of reparations and refers to the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

16. Paragraph 1971 (c) of the Mission's report (A/HRC/12/48) recommended that the General Assembly request the Government of Switzerland to convene a conference of the High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory and to ensure its respect in accordance with its article 1. The steps taken by the Assembly, and subsequently by Switzerland, to implement the recommendation were outlined in a previous progress report of the Secretary-General (A/HRC/21/33 para. 13). As noted by the Secretary-General (A/70/133, paragraph 25), on 22 July 2014, the Government of Switzerland notified the High Contracting Parties that consultations for a conference would resume. Between 28 July and 3 December 2014, a cross-regional critical mass of High Contracting Parties requested the reconvening of a Conference, which was held in Geneva on 17 December 2014, gathering 128 representatives of High Contracting Parties. The conference was concluded with the adoption by consensus of a ten-point-declaration.⁴

17. Paragraph 1971 (d) of the Mission's report A/HRC/12/48 recommends that the General Assembly promote an urgent discussion on the legality of the use of certain munitions referred to in its report, particularly white phosphorous, flechettes and heavy metal, such as tungsten, and that in such a discussion, the Assembly should draw on, *inter alia*, the expertise of the International Committee of the Red Cross (ICRC). The High Commissioner notes that the issue is currently included in the mandate of the First Committee of the General Assembly related to the "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects", and that this discussion is ongoing.

18. The recommendation also called on the Government of Israel to undertake a moratorium on the use of such weapons in the light of the human suffering and damage they had caused in the Gaza Strip. The Government of Israel has not adopted a moratorium on the use of the weapons listed by the Mission. However, in a report entitled "State of Israel, Gaza Operation Investigations: Second Update", which it published in July 2010, the Government of Israel announced that its policies related to the use of white phosphorous had been reviewed⁵.

D. Government of Israel

19. Paragraph 1972 (a) of the Mission's report (A/HRC/12/48) recommended that Israeli authorities should immediately cease the border closures and restrictions on passage through border crossings with the Gaza Strip and allow the passage of goods necessary and sufficient to meet the needs of the population, for the recovery and reconstruction of housing and essential services, and the resumption of meaningful economic activity in the Gaza Strip. The High Commissioner reports that the Government of Israel has continued to impose the blockade of Gaza, preventing the full recovery and enjoyment of human rights,

³ See A/HRC/21/33 para. 12 for more information

⁴ Conference of the High Contracting Parties, Declaration, 17 December 2014

⁵ Para to be read in conjunction with section D

including economic, social and cultural rights of Palestinians in Gaza. The Commission also called for the lift of the blockade on Gaza (paragraph 681 (d) of its report), "immediately and unconditionally".

20. The High Commissioner notes some improvement regarding movement of Palestinians in and out of Gaza, although the criteria for exit from Gaza through Erez remain very narrow and restricted to specific categories. The monthly average of crossings through Erez Crossing in 2015 doubled compared to 2014.⁶ On 16 February 2015, Israel increased the quotas for permits to exit through Erez for patients requiring medical treatment in Israel - but not deemed a medical emergency - from 80 to 120 per day, and for traders from 400 to 800 per day (A/70/421, para 25). According to data published by OCHA, the weekly average of truckloads in and out of Gaza in 2015 increased compared to 2014.⁷ However these numbers are still substantially lower than those registered prior to the imposition of the blockade.⁸ The High Commissioner notes that the restrictions placed on entry and exit of people and goods have been eased and strengthened over time, depending on the situation.

21. According to UNRWA, on 11 October 2015, the Israeli Coordination of Government Activities in the Territories unit (COGAT) implemented the decision to remove, for the first time since the imposition of the blockade, aggregate, such as sand, gravel, crushed stone and crushed slag, from the "dual use" list of item banned from entry into Gaza.⁹ The Gaza Reconstruction Mechanism¹⁰ (GRM) has increased entry of construction material, but the pace of reconstruction remains inadequate (A/70/421, para 20). The reconstruction of the first totally destroyed home funded by UNRWA was completed in October 2015.¹¹ Progress in repairing damaged homes has been more significant, including the completion of nearly 12 per cent of severely damaged homes, allowing an estimated 5,000 displaced people to return home.¹² However, approximately 95,000 people whose homes were destroyed or severely damaged are still currently accommodated with host families, in rented apartments, prefabricated units, tents and makeshift shelters, or in the rubble of their previous homes.¹³ Concerns regarding the lack of reconstruction and recovery in Gaza should be read against the backdrop of the findings of UNCTAD, which found that the military operations of summer 2014 resulted in the grave destruction of essential civilian infrastructure including of water and sewage network. This situation coupled with the high population density and overcrowding are among the factors led UNCTAD to conclude that Gaza will be unliveable by 2020.¹⁴

22. The High Commissioner notes that Israel, notwithstanding the above-mentioned positive steps, has yet to implement fully the recommendations of the Mission and the Commission. The most adequate and effective way to implement the recommendation would be to lift the blockade, in compliance with Security Council resolution 1860 (2009),

⁶ UN Country Team inputs to OHCHR.

⁷ See OCHA's Gaza Crossing Activities Database.

⁸ UN OCHA, Protection of Civilians, 3-9 November 2015.

⁹ UNRWA, Gaza Situation Report 115, 22 October 2015.

¹⁰ A temporary agreement between the Government of Palestine and the Government of Israel brokered by the United Nations in September 2014 and launched on 20 October 2014, represents an attempt to ease the crisis and to begin reconstruction.

¹¹ UNRWA, After 70 Days, I Held The New Keys In My Hands, 21 October 2015.

¹² OCHA Humanitarian Bulletin, October 2015, page 5.

¹³ OCHA, Humanitarian Bulletin, Monthly Report, October 2015, page 6.

¹⁴ UNCTAD, Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the Occupied Palestinian Territory, TD/B/62/3, 6 July 2015, paragraph 29.

and prioritize the unrestricted import of key building materials, particularly aggregate, iron bars and cement.

23. Paragraph 1972 (b) of the report (A/HRC/12/48) recommended that Israel cease the restrictions on access to the sea for fishing purposes imposed on the Gaza Strip, and allow such fishing activities within the 20 nautical miles – as provided for in the Oslo Accords – as well as the resumption of agricultural activity within the Gaza Strip, including within areas in the vicinity of the borders with Israel.

24. The High Commissioner notes that such restrictions continue to be imposed. As part of the ceasefire agreement of August 2014, Israel purportedly accepted to expand the fishing area from the previously existing limit of 3 NM to 6 NM from the shore in Gaza.¹⁵ However, according to the Palestinian Centre for Human Rights, in 2015, at least 111 shooting incidents and at least 40 arrests by Israeli naval forces took place against Palestinian fishing boats some of which occurred within the 3 NM limit.¹⁶ According to OCHA, farmers continue to indicate a high perceived risk from undertaking agricultural activities within several hundred metres of the fence separating Gaza and Israel since the hostilities in 2014. In 2015, Al Mezan documented 82 incidents in the access-restricted area along the border with Israel that resulted in the killing of one child and injury of 31 people, including nine children.¹⁷ OHCHR is concerned by means used by Israel to enforce the access-restricted areas at sea and on land in Gaza, which raise serious concerns with regard to its obligations under international human rights and international humanitarian law (see GA/70/421 para 33-38). The High Commissioner notes that Israel has yet to implement fully the Mission's recommendations, and underscores that Israel should fulfil its commitments pursuant to the Oslo Accords and allow unimpeded resumption of fishing and agricultural activity inside the Gaza Strip, abiding with its international legal obligations and with due regard for its legitimate security concerns.

25. Paragraph 1972 (d) of the Mission's report (A/HRC/12/48) recommended that Israel should allow freedom of movement of Palestinians within the Occupied Palestinian Territory – within the West Bank, including East Jerusalem, between the Gaza Strip and the West Bank, and between the Occupied Palestinian Territory and the outside world – in accordance with international human rights standards and international commitments of Israel and the representatives of the Palestinian people. The Mission also recommended that Israel should forthwith lift travel bans placed on Palestinians by reason of their human rights or political activities.

26. According to the non-governmental organization (NGO) B'Tselem, in April 2015, there were 96 Israeli permanent checkpoints in the West Bank over 60 km of roads forbidden to Palestinian use.¹⁸ On 14 October 2015, following a series of attacks and clashes, the Israeli authorities imposed further movement restrictions on neighbourhoods within East Jerusalem. According to OCHA, as of 5 November 2015, 30 new obstacles to freedom of movement were put in place in East Jerusalem alone.¹⁹ This is in retraction of steps taken earlier in 2015 whereby Israel eased movement in the West Bank, including by allowing entry into Israel of Palestinian men over 55 and women over 50.²⁰ However, by

¹⁵ Gisha, The Gaza Cheat Sheet, last update 18 October 2015.

¹⁶ Palestinian Centre for Human Rights, Israeli Attacks on Fishermen in the Gaza Sea, 8 October 2015.

¹⁷ Al Mezan, Press Release Al Mezan Condemns Israeli Killings and Injury of Palestinian Children in Gaza's Access Restricted Areas, 07 September 2015.

¹⁸ B'Tselem, Checkpoints, Physical Obstructions, and Forbidden Roads, 20 May 2015.

¹⁹ OCHA, New Movement Restrictions in East Jerusalem, 05 November 2015.

²⁰ Secretary-General, Report Peaceful Settlement of the question of Palestine, A/70/354-S/2015/677, 1 September 2015, paragraph 36.

early December 2015, almost all these barriers were removed. With regard to movement between the West Bank and the Gaza Strip see para 20 to 24.²¹

27. Paragraph 1972 (c) of the Mission's report A/HRC/12/48 recommended that Israel should initiate a review of the rules of engagement, standard operating procedures, open fire regulations and other guidance for military and security personnel with the assistance of the expertise of ICRC, OHCHR and other relevant bodies, and Israeli experts, civil society organizations with the relevant expertise, in order to ensure compliance with international humanitarian law and international human rights law.

28. Similarly, the Commission in paragraphs 679 and 680 of its report (A/HRC/29/CRP.4) called upon the Government of Israel to conduct a thorough, transparent, objective and credible review of policies governing military operations and of law enforcement activities in the context of the occupation, as defined by political and military decision-makers, to ensure compliance with international humanitarian law and international human rights law, specifically with regard to: (a) the use of explosive weapons with wide-area effects in densely populated areas, including in the vicinity of specifically protected objects; (b) the definition of military objectives; (c) the tactics of targeting residential buildings; (d) the effectiveness of precautionary measures; (e) the protection of civilians in the context of the application of the Hannibal directive; (f) ensuring that the principle of distinction is respected when active neighbourhoods are declared "sterile combat zones"; (g) the use of live ammunition in crowd control situations. The Commission noted that such review should also examine mechanisms for continuous review of respect for international humanitarian law and international human rights law during military operations and in the course of law enforcement activities in the context of the occupation.

29. Certain actions taken by the Government of Israel to implement the recommendations of the Mission have been described in the report of the Committee of Independent Experts (A/HRC/15/50, paragraph 42). In adopting such actions, the Government of Israel has not sought, as suggested by the Mission, the technical assistance of OHCHR.²² The High Commissioner encourages the Government of Israel to avail itself of the expertise of ICRC, OHCHR and other relevant bodies so that it fully complies with international humanitarian law and international human rights law.

30. In September 2014, in response to the Turkel Commission's recommendations²³, the Israel Defense Forces Chief of Staff ordered that a General Staff Mechanism for Fact-Finding Assessments should examine "exceptional incidents" that occurred during the 2014 hostilities.²⁴

31. In May 2015, separately, the Government of Israel released a report entitled "The 2014 Gaza Conflict (7 July – 26 August 2014): Factual and Legal Aspects"²⁵, affirming that

²¹ See also A/HRC/28/27 paragraph 7; A/70/392 paragraph 87 (a) and A/70/406, paragraph 88 (d).

²² ICRC reports that confidential dialogue with the Israeli and Palestinian authorities on their obligations under IHL and other applicable norms are held.
<https://www.icrc.org/eng/assets/files/annual-report/current/icrc-annual-report-israel.pdf>

²³ The Turkel Commission, established to investigate the May 2010 Gaza flotilla raid, was mandated to review Israel's mechanisms for investigating alleged violations of the laws of armed conflict, and made specific recommendations to strengthen those mechanisms.

²⁴ IDF MAG Corps, "Operation Protective Edge: Examinations and Investigation", 10 September 2014. See para 38 for more information on Turkel Commission.

²⁵ The report is a joint product of the Ministry of Justice, the Ministry Foreign Affairs, the Israeli Army's Judge Advocate General and other state bodies including the National Security Council.

its armed forces “employed a multi-faceted system of advanced warning, employed additional precautions” to avoid civilian casualties.²⁶ The report mentioned that the Military Advocate General (MAG), while examining the information collected by the General Staff “mechanism for fact-finding assessments” on the “exceptional incidents” that occurred during the 2014 offensive, could make recommendations to review and improve operational procedures.²⁷

32. The investigations carried out by the Mechanism and reviewed by MAG are steps towards establishing accountability for alleged victims in Gaza. However, the High Commissioner has noted the limited scope of the “mechanism for fact-finding assessments” to “exceptional incidents”, and the conflict of interest stemming from the dual role of the MAG office, in advising the military on planning and conducting military operations and investigating allegations of misconduct by Israeli soldiers.²⁸ He notes that international law requires investigations into alleged human rights violations to be carried out by authorities that are separate and in a separate chain of command than those involved in the original operations.

33. At the time of drafting of this report, no information was available on reviews of rules of engagement and operational policies stemming from MAG investigations into the 2014 incidents in Gaza or on the initiatives undertaken by MAG to regulate the use of live ammunition in law enforcement operations, as recommended by the Commission.

34. While the Israeli military’s own regulations establish that live ammunition must be used “only under circumstances of real mortal danger”, in September 2015 the Israeli Security Cabinet approved the decision that the police are allowed to use of lethal force “when they face danger to any lives”²⁹, effectively loosening the rules of engagement for the law enforcement forces. A statement released by the Security-Cabinet said that ‘Until recently police would open fire only when their own lives were in danger. As of now, they will be permitted to open fire – and they will know that they have the right to open fire – when they face danger to any lives.’³⁰ Cases have been documented in which live fire was used by ISF against Palestinians when the lives of members of the Israeli security forces did not appear to be under threat, for instance in the enforcement of the access-restricted areas in Gaza (A/70/421, para. 32).³¹

35. The Commission, in paragraph 681 (a) of its report (A/HRC/29/CRP.4), called upon the Government of Israel to ensure that investigations comply with international human rights standards and that allegations of international crimes, where substantiated, lead to indictments, prosecutions and convictions, with sentences commensurate to the crime. It

<http://mfa.gov.il/MFA/PressRoom/2015/Pages/Cabinet-Secretary-Mandelblit-presents-PM-Netanyahu-with-Israel's-Position-on-Operation-Protective-Edge-14-Jun-2015.aspx>

²⁶ Government of Israel, The 2014 Gaza Conflict (7 July – 26 August 2014): Factual and Legal Aspects, May 2015, <http://mfa.gov.il/ProtectiveEdge/Documents/2014GazaConflictFullReport.pdf>
The report was published by the MAG corps

²⁷ Military Advocate General’s Corps, Protective Edge, available from <http://www.law.idf.il/1007-en/Patzar.aspx>

²⁸ See A/70/36136, para 52-58

²⁹ Government of Israel, Security Cabinet Statement, 24 September 2015, available from <http://www.pmo.gov.il/English/MediaCenter/Spokesman/Pages/spokeJerusalem240915.aspx>.

³⁰ See <http://www.pmo.gov.il/English/MediaCenter/Spokesman/Pages/spokeJerusalem240915.aspx>

³¹ See also, Human Rights Watch, Human Rights Watch Investigator Shot, 11 October 2015, available from <https://www.hrw.org/news/2015/10/11/israel/palestine-human-rights-watch-investigator-shot>; and B’Tselem, Military steps up use of live 0.22 inch bullets against Palestinian stone-throwers, 18 January 2015, available from http://www.btselem.org/press_releases/20150118_use_of_live_ammunition_in_wb

urged the authorities to take all measures necessary to ensure that such investigations are not confined to individual soldiers, but also encompass members of the political and military establishment, including at the senior level, where appropriate.

36. In June 2010, the Government of Israel established the Turkel Commission, which was also mandated to assess the compliance of Israeli investigations with international legal standards³². In its report issued in February 2013, the Turkel Commission, among others, suggested the adoption of institutional changes and the appointment of an independent implementation team in charge of monitoring the operationalization of its recommendations. In January 2014, the Government of Israel established the Ciechanover Commission to review and implement the recommendations of the Turkel report. According to the Ministry of Foreign Affairs, several recommendations of the Turkel Commission, as reiterated in the final findings of the Ciechanover Commission, were in course of implementation as of September 2015.³³ As mentioned above, the "mechanism for fact-finding assessment", established by the Chief of Staff in September 2014, is one of the measures adopted in response to the recommendations of the Turkel Commission (para 32-34).

37. In Paragraph 681 (b) of its report (A/HRC/29/CRP.4) the Commission recommended that the Government of Israel implement all the recommendations contained in the second Turkel report, which dealt with the assessment of the compliance of Israeli investigations with international legal standards, particularly recommendation 2, calling for the enactment of provisions that impose direct criminal liability on military commanders and civilian superiors for offenses committed by their subordinates, in line with the doctrine of command responsibility. The High Commissioner notes that no legislation has been adopted to that end. The Ciechanover Commission³⁴ did not issue instructions for the full implementation of the first two recommendations of the Turkel Commission with respect to legislation incorporating international norms and standards into domestic law, including regarding war crimes, and imposing responsibility on military commanders and civilian superiors for offenses committed by their subordinates.³⁵

38. According to Al Mezan, as of July 2015, jointly with the Palestinian Centre for Human Rights, 354 criminal complaints were submitted to MAG and the mechanism for fact-finding assessment. As of 15 November 2015, the two organizations had not received any communication regarding criminal indictments.³⁶ MAG has not published any updates regarding the status of investigations since 11 June 2015. The latest updates stated that MAG had independently opened 15 criminal investigations and other seven out of the 190 exceptional incidents compiled by MAG and submitted to the mechanism for fact-finding

³² Turkel Commission was established in the context of another incident, not directly in response to the Mission's recommendation, however, that its recommendations addressed issues covered by the Mission's recommendations.

³³ Israeli Ministry of Foreign Affairs, PM Netanyahu receives second report of Turkel Commission, 21 September 2015, available from <http://mfa.gov.il/MFA/PressRoom/2015/Pages/PM-Netanyahu-receives-second-report-of-Turkel-Commission-21-Sep-2015.aspx>

³⁴ Yesh Din, The Ciechanover Report - dodging the criminalization of war crimes and practical steps towards implementation, 1 October 2015, <http://www.yesh-din.org/userfiles/Ciechanover%20Eng.pdf>

³⁵ Supra 31, paragraph 23. [Report of the Team for the Review and Implementation of the Second Report of the Public Commission for the Examination of the Maritime Incident of May 31st 2010 Regarding Israel's Mechanisms for Examining and Investigating Complaints and Claims of Violations of the Law of Armed Conflict According to International Law, August 2015, available from <http://www.pmo.gov.il/Documents/ReportEng.pdf>]

³⁶ Al Mezan, Israel's investigations on criminal complaints submitted by Palestinian NGOs in Gaza on behalf of victims of attacks on Gaza in July and August 2014, Briefing Update 15 November 2015, available from http://mezan.org/en/uploads/upload_center/kiWkMhPrYIZx.pdf

assessment. As detailed in the Secretary-General report (A/70/421, paragraph 53), these investigations have resulted only in one criminal indictment issued for a case of looting. According to NGO Adalah, as of 15 November 2015, they had received no response from MAG regarding criminal indictments for any of the 22 cases they had submitted for independent criminal investigation. Similarly, no progress was recorded with regard to the 1,248 civil complaints submitted by Al Mezan and the Palestinian Centre for Human Rights to Compensation Officer at the Ministry of Defence.³⁷ During 2014, the Military Police Criminal Investigations Division opened 229 investigations of alleged criminal offenses committed by soldiers against Palestinians in the West Bank and the Gaza Strip, which resulted in only eight (3.5 per cent) indictments.³⁸

39. In light of this information, the High Commissioner reiterates serious concerns regarding the lack of accountability related to past cycles of violence and escalation in Gaza and to incidents in the West Bank, including East Jerusalem, and in the access-restricted areas of the Gaza Strip (see A/68/502, paras. 30-34, A/69/347, paras. 52-69, A/HRC/25/40, paras. 50-56 and A/70/36136), paras 60).

40. Paragraph 1972 (e) of the Mission's report (A/HRC/12/48) recommended that Israel release Palestinians detained in Israeli prisons in connection with the occupation; release children as an utmost priority; cease the discriminatory treatment of Palestinian detainees; allow the resumption of family visits for prisoners from Gaza.

41. By the end of October 2015, 5,683 Palestinians were in Israeli prisons and detention centres, including 429 administrative detainees.³⁹ According to the NGO Palestinian Prisoners Club, in October 2015 alone, 1,500 Palestinians were arrested in the West Bank, including East Jerusalem. As of December 2015, 470 Palestinian children were held in Israeli prisons and detention centres.⁴⁰ The High Commissioner notes a number of concerns in relation to the arrest and detention of children, which include cases of night-time arrest; handcuffing; blindfolding; strip-searching; physical and verbal abuse; denial of access to a lawyer or to parents; solitary confinement and the fact that many children are forced to sign confession documents in Hebrew, a language they do not understand (A/HRC/27/78, paragraph 55).

42. Some legislative measures undertaken by the Government of Israel which contradict the Mission's recommendations are also concerning. For instance, on 30 July 2015, the Parliament adopted a law allowing for the force-feeding of prisoners and detainees on hunger strike (A/70/392, paragraph 70), which may amount to cruel, inhuman and degrading treatment.⁴¹ The amendment to the Israeli Penal Code, introduced on 20 July 2015, that increases the maximum sentence for individuals convicted of throwing stones or other objects at vehicles from 10 years to 20 years if the intent to harm the occupants of the vehicle is proven, and up to 10 years when intent to harm the occupants of the vehicle cannot be established, is of deep concern, and punishments prescribed appear excessive or disproportionate to many instances of throwing stones. Of further concern is the approval,

³⁷ Ibid.

³⁸ Yesh Din, Law Enforcement on IDF Soldiers Suspected of Harming Palestinians, December 2015, available from http://www.yesh-din.org/userfiles/file/datasheets/Law%20enforcement_IDF_December%202015_English.pdf

³⁹ Addameer, Statistics, available from <http://www.addameer.org/statistics>

⁴⁰ Addameer, Special Edition Monthly Newsletter: Events of October 2015, available from http://www.addameer.org/sites/default/files/publications/october_2015_newsletter.pdf

⁴¹ UN experts urge Israel to halt legalization of force-feeding of hunger-striking in detention, 28 July 2015, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16269&LangID=E#sthash.HQlqUlpH.dpuf>

in November 2015, of a bill which, if passed by Knesset, would allow sentences to be imposed on Palestinian children as young as 12.⁴² Furthermore, despite the issuance in late 2014 of new regulations on the exit from Gaza for certain Palestinians,⁴³ including family members of prisoners held in Israeli prisons, the right to family visits remained severely restricted (A/HRC/28/80, para. 37).

43. Paragraph 1972 (f) of the Mission's report (A/HRC/12/48) recommended that Israel should forthwith cease interference with national political processes in the Occupied Palestinian Territory and, as a first step, release all members of the Palestinian Legislative Council in detention, and allow all members of the Council to move between Gaza and the West Bank so that it may resume functioning. This recommendation remains to be implemented. Between early June and mid-August 2014, at the height of the military offensive against Gaza, 27 members of the Palestinian Legislative Council were arrested (See A/HRC/28/80/Add.1, paragraph 14). At the end of October 2015, five Palestinian legislators were still detained in Israeli prisons.⁴⁴ Although movement of Council Members is restricted between the West Bank and Gaza, in some instances members of the Council have travelled into Gaza, for instance the recent visit of the Prime Minister of the Palestinian Authority⁴⁵.

44. The High Commissioner also notes that for the first quarter of 2015, in retaliation for the Palestinian accession to the International Criminal Court, Israel withheld Palestinian tax revenues,⁴⁶ which compounded already difficult economic conditions for Palestinian public employees caused by inter-factional divisions between Fatah and Hamas.⁴⁷ The action by Israel has been detrimental to delivery of public services and internal political stability.

45. Paragraph 1972 (g) of the Mission's report (A/HRC/12/48) recommended that the Government of Israel cease actions aimed at limiting the expression of criticism by civil society and members of the public concerning its policies and conduct during the military operations in the Gaza Strip, and that it set up an independent inquiry to assess whether the treatment by Israeli judicial authorities of Palestinian and Jewish Israelis expressing dissent in connection with the offensive was discriminatory. The Israeli authorities have not taken any steps to establish such independent inquiry.

46. Since 2009, the Government of Israel has proposed legislative measures to restrict the space for organisations to advocate against illegal policies and laws. In some instances, the Knesset has adopted such measures. In 2011, the Knesset passed the Prevention of Damage to the State of Israel through Boycott Law⁴⁸, which allows civil claims for

⁴² International Center for Transitional Justice, Israel draft law allows jail for Palestinians aged 12, 22 November 2015, available from <https://www.ictj.org/news/israel-draft-law-allows-jail-palestinians-aged-12>; Children below the age of 14 would serve first part of the sentence in youth centers before being sent to prison at age 14.

⁴³ Gisha, One step at a time: Israel revises criteria for exiting Gaza, 26 October 2014, available from <http://gisha.org/updates/3614>.

⁴⁴ Addameer, Special Edition Monthly Newsletter: Events of October 2015, and ICHR, Annual Report 2014, page 15

⁴⁵ See Palestinian PM Hamadallah in Gaza for Talks to resolve Rift with Hamas, 25 March 2015, Haaretz.

⁴⁶ Humanitarian Bulletin Monthly REPORT, January 2015.

⁴⁷ Mohammed Omer, Protesters lock ministers in building as Gaza salaries remain unpaid, Middle East Eye, 14 January 2015; see also Michael Schaeffer Omer-Man, Sending the Palestinians to bed without dinner, +972 Magazine, 21 April 2015, and OCHA, Humanitarian Bulletin, Monthly Report January 2015.

⁴⁸ A/HRC/20/17/Add.2, paragraph 32.

damages to call for a boycott against Israel and its products and those produced in the settlements in the West Bank. Parties filing lawsuits do not have to prove that a call to boycott has resulted in actual damages, as courts can order people or organizations calling for a boycott to pay compensation independently of the damages caused. In addition, the law allows the Minister of Finance to revoke the tax-exempt status of NGOs calling for a boycott. Furthermore, companies or organizations participating in a boycott may also be disqualified from applying for Government contracts. Another example of restrictive legislative measure is the "Foreign Government Funding Law" - Law on Disclosure Requirements for Recipients of Support from a Foreign State Entity.⁴⁹ The law imposes discriminatory invasive reporting requirements on NGOs, requiring them to submit and publish quarterly reports on any funding received from foreign governments or publicly-funded foreign donors, but excludes Jewish and Zionist organisations.⁵⁰ In December 2015, the Israeli Government proposed an amendment to this legislation adding further restrictions on organizations receiving foreign funding, including having to wear special tags when addressing the parliament. However, after strong criticism from civil society organizations in Israel and European policy makers, this requirement was abandoned. The bill now includes excessive reporting obligations, raising concerns that the real motivation is to delegitimize and silence NGOs.⁵¹

47. Four other draft bills, which were not approved, not further promoted or were frozen at different stages of adoption, could have restricted the space for civil society: The Universal Jurisdiction Bill; the Bill on Income of Public Institutions Receiving Donations from Foreign State Entity (Legislative Amendments); the Bill on Preserving the Values of the State of Israel (NGO Loyalty to a Jewish and Democratic State Bill); and the Bill on Exceptions to the Registration of an Association. Many Israeli organizations have denounced the Government's support to such measures.⁵² The High Commissioner reiterates concerns expressed by a group of Special Rapporteurs about continued reports of human rights defenders being subjected to physical attacks, harassment, arrest and detention, and death threats, particularly in Hebron in the Occupied Palestinian Territory.⁵³

48. Paragraph 1972 (i) of the Mission's report (A/HRC/12/48) called on the Israeli authorities to reiterate their commitment to respecting the inviolability of United Nations premises and personnel and to take all appropriate measures to ensure that violations are not repeated. It further recommends that reparation to the United Nations should be provided fully and without further delay by Israel, and that the General Assembly should consider this matter. The United Nations has still not received any communication from the Government of Israel reiterating such a commitment, however, Israel is a signatory to the 1946 Convention on Privileges and Immunities of the United Nations, and as such is bound to respect the inviolability of United Nations premises and personnel. Information on reparations was included in the first progress report of the Secretary-General on the status of implementation of the Mission's recommendations (A/HRC/13/55, para.49-53).⁵⁴ The

⁴⁹ Adalah, "Foreign Government Funding Law" - Law on Disclosure Requirements for Recipients of Support from a Foreign State Entity, available from <http://www.adalah.org/en/law/view/497>.

⁵⁰ Ibid.

⁵¹ European Lawmakers Urge Netanyahu to Rethink 'Transparency Bill', Haaretz, Wednesday, 17 February 2016

⁵² Association for Civil Rights in Israel, What kind of democracy is this?, 20 December 2015; Ha'aretz, Be'er Sheva Court Bars Talk by Left-wing NGO Breaking The Silence, 24 November 2015.

⁵³ Stop unacceptable harassment of human rights defenders in Occupied Palestinian Territory - UN experts, 18 December 2015.

⁵⁴ Also see: A/HRC/21733 para 23

High Commissioner is concerned that in 2014, during the escalations in Gaza, UN premises were again affected due to violations by Israel.

49. On 10 November 2014, the Secretary-General set up a Board of Inquiry involving United Nations premises⁵⁵ during the 2014 escalation in Gaza to review and investigate specific incidents in which death or injuries occurred at, and/or damage was done to United Nations premises. On 27 April 2015, he released a summary of the Board of Inquiry's confidential report (S/2015/286), which indicated Israel's responsibility in six out of the 10 incidents investigated.⁵⁶ The Government of Israel continued to engage closely with the United Nations' follow-up to the Board of Inquiry's recommendations. They investigated some of the incidents and have engaged with the United Nations on the ground with a view to improving systems of coordination and communication during hostilities.

50. Paragraph 681 (c) of the Commission's report (A/HRC/29/CRP.4) called upon the Government of Israel to grant access to Israel and the Occupied Palestinian Territory for, and to cooperate with, international human rights bodies and NGOs concerned with investigating alleged violations of international law by all duty-bearers and any mechanisms established by the Human Rights Council to follow up on the Commission's report. The Secretary-General stated that Israel's lack of cooperation with the Commission and other United Nations mechanisms remained of serious concern (A/70/421, paragraph 4). However, Israel has cooperated with other United Nations mechanisms such as the treaty body and Universal Periodic Review process. The resignation of the Special Rapporteur on the situation of human rights in the occupied Palestinian territories, in January 2016, highlighted the issue of non-cooperation by Israel with mechanisms established by Human Rights Council.⁵⁷ No mechanism has been established by the Human Rights Council as a follow-up to the Commission's report, but requested OHCHR to follow up on the implementation of recommendations of the Commission and Mission.

51. Paragraph 681 (d) of the Commission's report (A/HRC/29/CRP.4) called on the Government of Israel to address structural issues that fuel the conflict and have a negative impact on a wide range of human rights, including the right to self-determination, in particular: To lift, immediately and unconditionally, the blockade on Gaza; to cease all settlement-related activity, including the transfer of Israel's own population to the occupied territory; and to implement the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory.

52. The High Commissioner notes that this recommendation has not been implemented. In its latest report on Israeli settlements, the Secretary-General notes that Israeli settlement activities continued and remained at the core of many violations of human rights in the Occupied Palestinian Territory, representing also the most serious obstacle to a viable Palestinian state.⁵⁸ The Secretary-General also reported that the construction of the Wall in the West Bank, including East Jerusalem continued and that, despite pending legal proceedings, in August 2015, Israel's Ministry of Defense renewed construction work on

⁵⁵ 118 UNRWA installations (83 schools and ten hospitals) were directly or indirectly damaged as a result of the Israeli military operations. In three incidents involving UNRWA schools, at least 44 persons were killed and some 222 injured.

⁵⁶ The Board of Inquiry confirmed the presence of weaponry belonging to Palestinian armed groups at vacant United Nations premises in three incidents.

⁵⁷ OHCHR, Special Rapporteur on Occupied Palestinian Territory resigns due to continued lack of access to OPT, 4 January 2016.

⁵⁸ See A/HRC/31/43, para 65

the Wall near Beit Jala in the West Bank.⁵⁹ The status of the blockade is described in paragraph 12 of this report.

53. With regard to the Commission's call, under para 681 (e) of its report (A/HRC/29/CRP.4), upon the Government of Israel to accede to the Rome Statute, the High Commissioner notes that the Government of Israel has not acceded to the Statute of the International Criminal Court. However, on 9 July 2015, the Government of Israel announced that it had decided to open a dialogue with the Office of the Prosecutor over the preliminary examination.⁶⁰ This recommendation has not been implemented.

E. The Government of Israel, Palestinian Authorities and the authorities in Gaza

54. Paragraph 676 of the Commission's report called on all duty bearers for the implementation of the recommendations made by previous commission of inquiry, fact finding missions, United Nations treaty bodies, special procedures and other United Nations bodies. In essence this falls outside the scope of the current exercise of providing updates on the status of implementation of recommendations of the Mission and the Commission. However, the High Commissioner notes that commitment and political will of parties to engage in good faith is key in ensuring the implementation of all recommendation of various mechanisms.

55. In paragraph 677 of its report, the Commission called upon all parties to fully respect international humanitarian law and human rights law; to ensure the right of all victims to an effective remedy, including full reparations, without further delay; and to cooperate fully with the preliminary examination of the International Criminal Court and with any subsequent investigation that may be opened. In light of the current status of implementation of the recommendations of the Mission and the Commission as reflected in the report, and against the backdrop of violations of international human rights and international humanitarian law that continues to be committed by all parties, the High Commissioner expresses serious concerns about the lack of implementation of the recommendation. Furthermore, with reference to reparation, the limited progress in investigating alleged violations of international law by all parties and in the absence of establishing an escrow fund for victims, no progress has been made in establishing a reparation mechanism. However, Israel reportedly compensated its own citizens for damages caused directly or indirectly by military operations⁶¹. The High Commissioner calls on Israel, as the Occupying Power, to extend such compensation to Palestinian victims of Israeli attacks of the conflict as well.

56. With regard to cooperation with the International Criminal Court, the High Commissioner notes that on 16 January 2015, the Prosecutor of the International Criminal Court opened a new preliminary examination into the situation in Palestine.⁶² At the time of

⁵⁹ See A/HRC/31/42, para 16

⁶⁰ Office of the Prosecutor, International Criminal Court, Report on Preliminary Examination Activities (2015), 12 November 2015, paragraph 75, available from <https://www.icc-cpi.int/iccdocs/otp/OTP-PE-rep-2015-Eng.pdf>

⁶¹ See the Gaza 2014 Gaza Conflict, 7 July-26 August 2014, para 222. These compensations were paid out of the Tax Authority Compensation Fund, founded in accordance with the Israeli law, under which the Minister of Finance has the discretion to compensate civilians for indirect damages.

⁶² Report of the International Criminal Court on its activities in 2014/15, A/70/350 of 28 August 2015, paragraph 21

writing, the preliminary examination was in phase two.⁶³ The State of Palestine has made three submissions to the Prosecutor. On 23 November 2015, four Palestinian organisations delivered a confidential communication to the Prosecutor of the International Criminal Court⁶⁴. The High Commissioner also notes that on 9 July 2015, the Government of Israel announced that it had decided to open a dialogue with the Office over the preliminary examination.⁶⁵

57. In paragraph 678 of its report (A/HRC/29/CRP.4), the Commission called upon Israelis and Palestinians to demonstrate political leadership by refraining from and taking active steps to prevent statements that dehumanize the other side, incite hatred, and only serve to perpetuate a culture of violence. In the last quarter of 2015, in the face of increased friction between Israeli and Palestinians, Israeli NGOs and media reported an alarming climate of incitement to violence against Palestinians and Israeli civil society organizations. According to Israeli organizations, politicians and senior police officers have failed to act to calm the public climate of incitement and openly called for the extrajudicial killing of suspects.⁶⁶ The situation has been further aggravated by Israeli policies of punitive house demolitions and of withholding the dead bodies of alleged attackers.⁶⁷ On the other hand, according to reports, some Palestinians used social media to praise and encourage attacks against Israeli civilians.⁶⁸ The High Commissioner urges all parties to take effective measures to end all forms of incitement, including by proactively reacting to incitement to violence and inflammatory statements.

F. Palestinian armed groups

58. Paragraph 1973 (a) of the Mission's report A/HRC/12/48 recommended that Palestinian armed groups undertake forthwith to respect international humanitarian law, in particular by renouncing attacks on Israeli civilians and civilian objects, and take all feasible precautionary measures to avoid harm to Palestinian civilians during hostilities. A similar recommendation was made by the Commission, in paragraph 683 (a) of its report, urging Palestinian armed groups to respect the principles of distinction, proportionality and precaution, including by ending all attacks on Israeli civilians and civilian objects, and stopping all rocket attacks and other actions that may spread terror among the civilian population in Israel.

59. The High Commissioner notes with concern that rocket and mortar attacks against Israel continued to be launched by Palestinian armed groups from Gaza. According to the

⁶³ International Criminal Court, Office of the Prosecutor, Report on Preliminary Examination Activities (2015), 12 November 2015

⁶⁴ Al-Haq, Palestinian Human Rights Organisations Deliver Submission to the International Criminal Court on Alleged Israeli War Crimes and Crimes against Humanity during 2014 Gaza offensive, 23 November 2015

⁶⁵ Office of the Prosecutor, International Criminal Court, Report on Preliminary Examination Activities (2015), 12 November 2015, paragraph 75

⁶⁶ B'Tselem, Human Rights Organizations in Israel: Politicians' calls to police and soldiers to shoot rather than arrest endorse the killing of Palestinians, 14 October 2015; see also, Yesh Din, Israeli NGOs: shocked by assault against Rabbi Arik Ascherman and authorities' tolerance of incitement directed against Palestinians and human rights advocates, available from <http://www.yesh-din.org/hotspotview.asp?postid=35>

⁶⁷ OHCHR, Press briefing note on Burundi, Israel / Occupied Palestinian Territory, Cuba and High Commissioner speeches, 16 December 2015

⁶⁸ New York Times, Palestinian Anger in Jerusalem and West Bank Gets a Violent Soundtrack, 22 October 2015, available from <http://www.nytimes.com/2015/10/23/world/middleeast/palestinians-israel-stabbings-shootings.html>

Israeli Ministry of Foreign Affairs, between September 2014 and 16 December 2015, 26 rockets had landed in Israel.⁶⁹ Rockets have been consistently fired and tested, with varying degree of intensity, since the Mission's recommendation.

60. With regard to measures intended to prevent harm to Palestinian civilians, during the summer of 2014, on three occasions, weapons components were placed in three vacant UNRWA schools in Gaza, in breach of the inviolability of United Nations premises.⁷⁰ Furthermore, some of these weapons used by Palestinian armed groups do not discriminate between civilian objects and military objectives and are therefore contrary to international humanitarian law.

61. The High Commissioner urges Palestinian armed groups to respect international humanitarian law obligations, including by renouncing attacks on Israeli civilians and civilian objects and take all feasible precautionary measures to avoid harm to civilians during hostilities, with a view to ensuring the most adequate and effective implementation of recommendations of the Mission and Commission.

G. The State of Palestine, Palestinian authorities and the authorities in Gaza

62. Paragraph 1974 (a) of the Mission's report (A/HRC/12/48) recommended that the Palestinian Authority issue clear instructions to security forces under its command to abide by human rights norms as enshrined in the Palestinian Basic Law and international instruments, ensure prompt and independent investigations of all allegations of serious human rights violations by security forces under its control, and end the resort to military justice to deal with cases involving civilians.

63. The High Commissioner notes that in early 2010, the Palestinian Authority established a four-member Independent Investigation Commission by Presidential Decree to follow up on the implementation of the Mission's recommendations (A/HRC/15/50, para. 65). The Independent Investigation Commission presented its report in August 2010.⁷¹ Subsequently, the Council of Ministers of the Palestinian Authority established a Ministerial Committee, which proposed short-term and long-term strategies, including regarding to the application of military jurisdiction to civilians⁷² and the adoption of the Palestinian criminal code.⁷³ However, the High Commissioner is concerned that some of the violations committed during the 2009 conflict were repeated during the 2014 conflict.

64. Paragraph 682 (a) of the Commission's report called upon the State of Palestine to ensure that investigations into violations of international humanitarian law and international human rights law, including international crimes, by the Palestinian Authority, the

⁶⁹ Israeli Ministry of Foreign Affairs, Rocket fire from Gaza and Palestinian ceasefire violations after Operation Cast Lead (Jan 2009), 16 December 2015.

⁷⁰ Based on UNRWA's inputs.

⁷¹ As reported by the Committee of Independent experts (A/HRC/16/24, paragraph 49), the Palestinian Independent Investigation Commission could not effectively investigate rockets attacks from Gaza due to lack of access to evidence in Israel.

⁷² On 17 January 2011, the Palestinian Authority reportedly announced that military courts would no longer try civilians. See Al-Haq, "Palestinian General Intelligence: civilians will be no longer tried in military courts", 17 January 2011. Available from www.alhaq.org/etemplate.php?id=566

⁷³ For more information see, Report of the Committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9, A/HRC/16/24, paragraphs 51 and 52. The adoption of the Palestinian Criminal Code is still pending.

authorities in Gaza and Palestinian armed groups, where substantiated, comply with international human rights standards, and that full accountability is achieved, including through criminal proceedings.

65. On 25 August 2015, the Palestinian Council of Ministers adopted Decision No. 05/65/17/M.O/R.H establishing an Independent National Commission to monitor the implementation of the recommendations of the report of the UN Commission of Inquiry of 2014 addressed to Palestinian authorities. On 6 January 2016, the "investigation" committee sent a letter to OHCHR-OPT and many other Civil Society Organisations in West Bank and Gaza in order to brief them on its establishment and goals. According to the letter, the committee was formed to investigate alleged violations in both West Bank and Gaza strip. The Independent National Commission is required to present its report to the Palestinian President and Cabinet in due course. The High Commissioner calls on the Government of the State of Palestine to expedite the implementation of the recommendation of the UN Commission of Inquiry of 2014. The High Commissioner is concerned about the lack of progress in ensuring accountability.

66. In its report A/70/421 (paragraph 62), the Secretary-General notes that the Gaza Ministry of Interior reportedly established an investigation into the circumstances of the summary executions of alleged collaborators in Gaza during the 2014 hostilities. In January 2015, a Ministry spokesperson said that the executions were carried out by Palestinian resistance factions. With respect to the detainees, he denied official involvement in the executions claiming that they had escaped from prison and were captured and executed by armed groups close to the fence after they engaged in hostilities. A Hamas statement on 27 May 2015 similarly denied any role in the executions and claimed that the Attorney-General's Office and the Ministry of Interior were continuing with the investigation and would publish the findings upon completion. The High Commissioner has no further updates on this matter. The High Commissioner expresses concerns about the lack of information and at the failure to ensure accountability.

67. Palestinian human rights organizations have referred two cases to the Attorney-General in Gaza of attacks of civilians by armed groups during the summer 2014 hostilities. In one case, the alleged victim sustained serious injuries resulting in the amputation of his legs. The Attorney-General had not responded to the complaints by the end of the reporting period, but had reportedly referred them to the Internal Security Agency.

68. Paragraph 1874 (b) the Mission's report (A/HRC/12/48) recommended that the Palestinian Authority and the Gaza authorities release without delay all political detainees in their power and refrain from further arrests on political grounds and in violation of international human rights law.

69. The High Commissioner reports that arbitrary detention based on political grounds has continued in the Occupied Palestinian Territory. Palestinian detainees are held without formal charges and denied proper procedures for detention. Detainees are often deprived of visits by their families or lawyers. Such practice affects Hamas affiliates in the West Bank and Fatah affiliates in the Gaza Strip.⁷⁴ A peak in arbitrary arrests by the Palestinian security forces in the West Bank, resulting in the detention of some 120 people, including some allegedly affiliated to Hamas, was registered by Al-Haq, in July 2015.⁷⁵ In September

⁷⁴ The Independent Commission for Human Rights, *The Status of Human Rights in Palestine*, Twentieth Annual Report, 14 May 2015, page 17.

⁷⁵ Al-Haq, *Al-Haq Demands a Stop to the Campaign of Arrests and Warns Against a Continuing Deterioration of Rights and Freedoms*, 06 July 2015; Al Jazeera, *Hamas members arrested in West Bank crackdown*, 04 July 2015.

2015, media reports stated that 40 people affiliated to Fatah had been arrested in Gaza.⁷⁶ The High Commissioner urges the Palestinian Authority and the authorities in Gaza to promptly release all political detainees and refrain from any such arrests.

70. Paragraph 1974 (c) of the Mission's report (A/HRC/12/48) recommended that the Palestinian Authority and the Gaza authorities continue to enable the free and independent operation of Palestinian NGOs, including human rights organizations, and of the Palestinian Independent Commission for Human Rights.

71. The High Commissioner notes that the repression of freedom of expression and attacks on civil society organizations have continued in the Occupied Palestinian Territory. In the first half of 2015, the Palestinian Centre for Development & Media Freedoms (MADA) recorded a 103 per cent increase in violations against journalists and media freedoms by Palestinian authorities. 65 incidents were reported in the West Bank and 45 in Gaza.⁷⁷ The High Commissioner also notes with concern the role of the NGO Affairs Committee, established in December 2012 by Presidential decree, and of a special committee set up in August 2014, under the Palestinian Authority Financial and Administrative Control Administration, to monitor and regulate the activities of civil society organizations and the compliance of their internal by-laws with the Palestinian Law on Charitable Societies.⁷⁸

72. In paragraph 683 (b) of its report, the Commission also recommended that the authorities in Gaza and Palestinian armed groups take measures to prevent extrajudicial executions and eradicate torture, cruel, inhuman and degrading treatment; to cooperate with national investigations aimed to bring those responsible for violations of international law to justice; and to combat the stigma faced by families of alleged collaborators. The Palestinian Independent Commission for Human Rights, in its 2014 Annual Report, stated that it had received 1,274 complaints of alleged violations of the right to physical safety (287 complaints referred to cases in the West Bank and 996 to cases in the Gaza Strip)⁷⁹.

73. In paragraph 682 (b) of its report, the Commission called upon the State of Palestine to accelerate efforts to translate the declaration on Palestinian unity into tangible measures on grounds that would enable the Government of National Consensus to ensure the protection of human rights and achieve accountability for victims. The High Commissioner notes that the National Action Plan for Human Rights, drafted with the assistance of OHCHR, was approved by the Minister of Justice and the Minister of Planning. Its recommendations were incorporated into the final version of the Palestinian national development plan for 2014–16 despite the lack of political progress in achieving full political reconciliation since the establishment of the Government of National Consensus in June 2014. The High Commissioner also notes the reported progress of the Government, working with technical assistance and advice from OHCHR and various United Nations entities, in implementing its obligations under the seven international human rights treaties to protect and promote human rights in Palestine, starting with the drafting of a set of baseline reports for submission to the treaty bodies.

⁷⁶ Middle East Monitor, Fatah accuses Hamas of arresting its members in Gaza, 9 September 2015.

⁷⁷ Palestinian Center for Development & Media Freedoms (MADA), Media freedoms Violations in Palestine Semi-annual report 2015;

⁷⁸ High Representative of the European Union for Foreign Affairs and Security Policy, Implementation of the European Neighbourhood Policy in Palestine Progress in 2014 and recommendations for actions, 25 March 2015, page 5; Al-Haq, Unconstitutional Presidential Decrees Seek to Control Civil Society Organisations, 18 February 2013.

⁷⁹ The Independent Commission for Human Rights, The Status of Human Rights in Palestine, Twentieth Annual Report, 2014, page 17.

H. International community

74. The Mission recommended that the States parties to the Geneva Conventions relating to the protection of victims of international armed conflicts start criminal investigations in national courts, using universal jurisdiction, where there is sufficient evidence of the commission of grave breaches of the Geneva Conventions of 1949, and where so warranted following investigations, alleged perpetrators should be arrested and prosecuted in accordance with internationally recognized standards of justice (A/HRC/12/48, para 1975 (a)).

75. The High Commissioner notes that, in addition to cases mentioned in Secretary-General's report (A/HRC/15/51, paragraph 62), two separate cases were filed in the United Kingdom against Tzipi Livni⁸⁰ and Ehud Barak in 2009.⁸¹ In October 2015, media reported on a case filed in the United States of America against Ehud Barak in relation to the incident of the Gaza Flotilla of 31 May 2010.⁸² In relation to the same incident, in November 2015 a Spanish judge asked to be notified of the presence within its jurisdiction of seven Israeli officials.⁸³

76. In paragraph 1975 (b) of its report (A/HRC/12/48), the Mission recommended that international aid providers should step up financial and technical assistance for organizations providing psychological support and mental health services to the Palestinian population. According to the report of the Secretary-General on assistance to the Palestinian people (A/70/76-E/2015/57, paragraph 70), between May 2014 and March 2015, UNRWA supported individual psychosocial counselling for 18,292 Palestinian refugees in Gaza and 10,806 group counselling sessions. The Gaza Child Protection Working Group provides that 194,736 children and 60,461 adults with psychosocial distress and mental disorders were reached through structured psychosocial group activities and 29,128 children and 2,362 adults reached through individual counseling.

77. In paragraph 1975 (c) of its report (A/HRC/12/48), the Mission recommended that donor countries and assistance providers continue to support the work of Palestinian and Israeli human rights organizations. According to its submission to OHCHR for the purpose of this report, the European Union continued to support the work of human rights organisations through the European Instrument for Democracy and Human Rights. According to the NGO Development Centre, in 2014, their programmes on human rights and good governance funded by foreign donors provided Palestinian human rights organizations with over 760,000 USD.⁸⁴

78. In paragraph 1975 (d) of its report (A/HRC/12/48), the Mission recommended that States involved in peace negotiations between Israel and representatives of the Palestinian people, especially the Quartet, ensure that respect for the rule of law, international law and human rights assumes a central role in internationally sponsored peace initiatives. In its

⁸⁰ BBC, Israel fury at UK attempt to arrest Tzipi Livni, 15 December 2009.

⁸¹ The Guardian, Israeli minister Ehud Barak faces war crimes arrest threat during UK visit, 29 September 2009.

⁸² The Guardian, Former Israeli prime minister sued in US for raid on Gaza flotilla, 21 October 2015, available from <http://www.theguardian.com/world/2015/oct/21/former-israeli-prime-minister-sued-in-us-for-raid-on-gaza-flotilla>

⁸³ The Independent, Spain 'issues arrest warrant' for Israeli PM Benjamin Netanyahu over 2010 Gaza flotilla attack, 18 November 2015, available from <http://www.independent.co.uk/news/world/europe/spain-issues-arrest-warrant-for-israeli-prime-minister-benjamin-netanyahu-over-2010-gaza-flotilla-a6736436.html>

⁸⁴ NGO Development Center, Annual Report 2014, page 29, available from <http://www.ndc.ps/sites/default/files/NDC-AR2014-web-English.pdf>

submission to OHCHR, the European Union reported that in its Foreign Affairs Council of July 2015, it reiterated that it considered compliance with international humanitarian and human rights law as a cornerstone for peace and security in the region. On 27 September 2013, the Quartet discussed the humanitarian needs of Gaza residents and emphasized the importance of increased access into Gaza through legal crossings. The High Commissioner encourages States to redouble their efforts to ensure that respect for the rule of law, international law and human rights are central in peace initiatives.

79. Paragraph 1975 (b) of the Mission's report (A/HRC/12/48) recommended that, in view of the allegations and reports about long-term environmental damage that may have been created by certain munitions or debris from munitions, a programme of environmental monitoring be implemented under the auspices of the United Nations, for as long as deemed necessary, and that the environmental monitoring programme should be in accordance with the recommendations of an independent body, and samples and analyses should be analyzed by one or more independent expert institutions.

80. The High Commissioner notes that in follow-up to the its study "*Environmental Assessment of the Gaza Strip following the escalation of hostilities in December 2008 – January 2009*", UNEP highlighted the grave conditions of the sewage system and the need for desalination plants. According to information submitted to OHCHR by the UNCT, a programme of environmental monitoring has not taken place due to Israel's denying access to UNEP experts who were to investigate the pollution and other environmental aspects in Gaza. Moreover, the entry of metal detection machines purchased by UNDP to ensure the quality of the rubble before crushing it for reuse was delayed for nearly a year. UNEP confirmed⁸⁵ that the ongoing North Gaza Emergency Sewage Treatment Project funded by the World Bank was addressing the dire water and sanitation conditions in Gaza.⁸⁶ UNDP has also been involved in environmental activities in Gaza, including on debris and UXOs removal, and in a heavy metal survey for the coastal aquifer in cooperation with the Palestinian Water Authority and Coastal Municipal Water Unit.⁸⁷

81. The High Commissioner urges Israel to fully cooperate with UNEP experts, including by providing them full access to assess environmental damage and removing all obstacles in transporting required machines into Gaza.

82. In paragraph 684 of its report, the Commission called upon the international community (a) to promote compliance with human rights obligations, and to respect and ensure respect for, international humanitarian law in the Occupied Palestinian Territory and Israel, in accordance with Article 1 common to the Geneva Conventions; (b) to use its influence to prevent and end violations, and to refrain from encouraging violations by other parties. As mentioned above the European Union Council of Foreign Ministers has taken some initiative in this regard.⁸⁸ States have made statements with regard to specific incidents, for example, in October 2015 the United States publicly expressed their concerns

⁸⁵ UNEP communication to OHCHR.

⁸⁶ World Bank, Northern Gaza Emergency Sewage Treatment (NGEST) Project (P074595), Implementation Status & Results Report, available from http://www-wds.worldbank.org/external/default/WDSPContentServer/WDSP/MNA/2015/06/22/090224b082f772cd/1_0/Rendered/PDF/West0Bank0and00Report000Sequence024.pdf

⁸⁷ UNCT inputs to OHCHR.

⁸⁸ Supra, paragraph 78-79.

about the excessive use of force by Israel in response to Palestinian attacks against civilians.⁸⁹

83. In paragraph 684 (c) of its report, the Commission called upon the international community to accelerate and intensify efforts to develop legal and policy standards that would limit the use of explosive weapons with wide-range effects in populated areas with a view to strengthening the protection of civilians during hostilities.

84. The issue has been discussed in a number of international expert level meetings. In September 2015, Austria and OCHA hosted a meeting in Vienna to highlight the humanitarian impact of the use of explosive weapons in populated areas and to begin discussions on political approaches to the matter⁹⁰. The participating governments indicated support for developing a political commitment on this issue. Some 50 States and intergovernmental institutions⁹¹ publicly acknowledged the harm caused by explosive weapons in populated areas in public statements, including during Security Council and General Assembly sessions.⁹² As reported in the submission presented by the European Union to OHCHR, the European Union Action Plan on Enhancing the Security of Explosives contains prevention, detection and response measures, as well as the development of information-sharing and research mechanisms. The European Union has also adopted extensive legislation regarding the civil use of explosives.

85. In paragraph 684 (d) of its report, the Commission called upon the international community to actively support the work of the International Criminal Court in relation to the Occupied Palestinian Territory; to exercise universal jurisdiction to try international crimes in national courts; and to comply with the extradition requests pertaining to suspects of such crimes to countries where they would face a trial. The High Commissioner notes that while it is early stages of the proceeding before the International Criminal Court and information on prosecutions by national courts under the principle of universal jurisdiction are scarce, the international community should do everything possible to implement the recommendation fully.

I. International community and responsible Palestinian authorities.

86. In paragraph 1976 (a) of its report (A/HRC/29/CRP.4), the Mission recommended that the international community and responsible Palestinian authorities establish appropriate mechanisms to ensure that the funds pledged by international donors for reconstruction activities in the Gaza Strip were smoothly and effectively disbursed, and urgently put to use for the benefit of the population of Gaza.

87. The UN Country Team reported that in September 2015, it established the UN Gaza Reconstruction and Recovery Coordination Group⁹³, tasked with (a) the coordinating and

⁸⁹ The Washington Post, Obama administration accuses Israel of terrorism, 'excessive force', 15 October 2015, available from <http://www.washingtontimes.com/news/2015/oct/15/obama-admin-accuses-israel-terrorism-excessive-for/>

⁹⁰ International Network on Explosive Weapons, States support the development of a political commitment on explosive weapons, 28 September 2015; see also Reaching Critical Will (RCW), Ending the use of explosive weapons in populated areas, available from <http://www.reachingcriticalwill.org/news/latest-news/10180-ending-the-use-of-explosive-weapons-in-populated-areas>

⁹¹ International Network on Explosive Weapons, Acknowledging the Harm, available from <http://www.inew.org/acknowledgements>

⁹² International Network on Explosive Weapons, News, available from <http://www.inew.org/news>

⁹³ The UN Recovery and Reconstruction Group is led by UNRWA, with UNDP as Vice-Chair.

tracking the progress of the Gaza reconstruction and recovery effort and (b) supporting the Prime Minister's Office and the Government-led National Office for Gaza Reconstruction (NORG) in its recovery and reconstruction coordination function. The Secretary-General regretted that the disbursement of funds pledged at the donor conference in Cairo in 2014 has been low (A/70/76, paragraph 16). In January 2015, the Government of Spain disbursed 1 million Euros to UNRWA to support the reconstruction and provision of essential services. According to the World Bank, as of 31 August 2015, only 35 per cent of the support pledged at the Cairo conference has been disbursed.⁹⁴ The High Commissioner reiterates the considerations expressed by the UN Secretary-General at the donor conference of 2014 where he expressed concerns at the regrettable cycle of building and destroying in Gaza, and stated that the successful reconstruction requires not only financial support but a strong political foundation.⁹⁵

88. In paragraph 1976 (b) of its report (A/HRC/29/CRP.4), the Mission recommended that in view of the consequences of the military operations, responsible Palestinian authorities and international aid providers should pay special attention to the needs of people with disabilities and patients who had suffered amputations or been otherwise injured by munitions. The Mission also recommended that financial and technical assistance should be provided to ensure adequate medical follow-up to Palestinian patients.

89. On 3 May 2014, the State of Palestine became a State Party to the Convention on the Rights of Persons with Disabilities and, with support from OHCHR and other United Nations agencies, the Government is undertaking its baseline needs assessment for implementation in the form of its initial report for submission to the treaty body in Geneva. The Secretary-General (A/70/76, paragraph 54) noted that five United Nations agencies continued to implement a joint programme to strengthen respect for the human rights of people with disabilities and mainstream such rights in schools and employment services. However, the situation of the health sector remains one of grave concern. According to its input to OHCHR, the Government of Bahrain, in cooperation with Islamic Relief Worldwide, supported projects to build and fit prosthetics for 1,200 disabled people in the Gaza Strip, who were also rehabilitated and trained to work and ensure an income to their families. In April 2015, the Palestinian Ministry of Health faced a debt of over 250 million USD, which has prevented the purchased of essential equipment that is not available in Gaza, such as orthopaedic and plastics equipment to conduct secondary reconstructive surgery.

J. International community, Israel and Palestinian authorities

90. In paragraph 1977 (a) of its report (A/HRC/12/48), the Mission recommended that Israel and representatives of the Palestinian people, and international actors involved in the peace process, engage Israeli and Palestinian civil society in devising sustainable peace agreements based on respect for international law. It noted that the participation of women should be ensured, in accordance with Security Council resolution 1325 (2000). On 18 June 2015, as part of its work on enhancing Palestinian women's leadership and participation in decision-making processes, the Central Election Commission and UN Women signed an

⁹⁴ The World Bank, *Reconstructing Gaza - Donor Pledges*, 29 September 2015, <http://www.worldbank.org/en/programs/rebuilding-gaza-donor-pledges>

⁹⁵ Secretary-General, *Statements*, 14 October 2014, <http://www.un.org/sg/statements/index.asp?nid=8099>

agreement for a two-year joint project to empower women in local communities.⁹⁶ UN-Women also continued to support the Palestinian Independent Commission for Human Rights in monitoring women's access to justice in the Occupied Palestinian Territory (A/70/76, paragraph 89). The High Commissioner notes that in December 2015, a conference that offers a platform for civil society engagement with regards to the peace process was organised by the Geneva Initiative at the Israeli Knesset. On 14 December 2014, the Israeli Government announced the establishment of an inter-ministerial team to form and consolidate a national action plan for implementing Security-Council resolution 1325.⁹⁷

91. In Paragraph 1977 (b), the Mission recommended that attention be given to the position of women and steps be taken to ensure their access to compensation, legal assistance and economic security. The State of Palestine acceded to the Convention on the Elimination of All Forms of Discrimination against Women on 3 May 2014, and is currently undertaking, with support of OHCHR, UN Women and other United Nations agencies, its baseline needs assessment for implementation in the form of its initial report to the CEDAW Committee in Geneva. UN Women is implementing a range of programmes aimed at improving Palestinian women's social and economic situation.⁹⁸ As reported by the Secretary-General, UN Women continued to support the Palestinian Independent Commission for Human Rights in monitoring women's access to justice in the Occupied Palestinian Territory (A/70/76, paragraph 89).

K. Secretary-General

92. Paragraph 1978 of the Mission's report (A/HRC/12/48) recommended that "the Secretary General develop a policy to integrate human rights into peace initiatives in which the United Nations is involved, especially the Quartet (paragraph 1978). It also requested the United Nations High Commissioner for Human Rights to provide expertise required to implement this recommendation".

93. This recommendation has been implemented in an ongoing manner as the Secretary-General consistently endeavours to integrate human rights into peace initiatives involving the United Nations, including the Quartet⁹⁹. However, at the time of drafting of this report, peace negotiations between Israel and the State of Palestine were stalled.

L. Office of the United Nations High Commissioner for Human Rights

94. Paragraph 1979 (a) of the Mission's report (A/HRC/12/48) recommended that OHCHR monitor the situation of people who have cooperated with the United Nations Fact-Finding Mission on the Gaza Conflict and periodically update the Human Rights Council through its public reports and in other ways as it may deem appropriate". This recommendation has been implemented through OHCHR presence in OPT and its staff's regular interaction with individuals who cooperated with the Mission. As part of its

⁹⁶ UN Women, the Central Election Commission and UN Women sign an agreement to enhance women's political participation, 18 June 2015, available from <http://palestine.unwomen.org/en/news-and-events/stories/2015/06/cec-agreement#sthash.j7uMILgS.dpuf>

⁹⁷ <http://www.pmo.gov.il/secretary/GovDecisions/2014/Pages/des2331.aspx>

⁹⁸ UN Women, Programmes, <http://palestine.unwomen.org/en/what-we-do/economic-empowerment/programmes>.

⁹⁹ For an assessment by the Secretary-General of the importance of human rights in the peace process, see A/HRC/28/45.

monitoring mandate, OHCHR continues to document human rights violations in the OPT, including reprisals against human rights defenders.

95. The Mission also recommended that OHCHR give attention to its recommendations in its periodic reporting on the Occupied Palestinian Territory to the Human Rights Council (paragraph 1979(B)). The most recent OHCHR report on the matter was presented at the twenty-eighth session of the Council (A/HRC/28/80 and A/HRC/28/80.Add1) and does reflect the situation in relation to some of the recommendations made by the Mission.

M. Conclusion

96. The High Commissioner notes that while progress has been made on implementing some recommendations, a number of recommendations are yet to be fully implemented. On a range of issues, the situation continues to deteriorate and certain measures adopted only increase violations of human rights and humanitarian law. Piecemeal measures adopted on paper are not sufficient, but a holistic approach in implementing recommendations should be taken, bearing in mind that the effects of such changes should be reflected in improvements on the human rights situation of the people.

97. In light of the above, the High Commissioner urges all parties concerned to urgently implement all recommendations contained in the reports of the independent commission of inquiry on the 2014 Gaza conflict and of the United Nations Fact-Finding Mission on the Gaza Conflict.

98. The High Commissioner stresses the urgency of implementation of recommendations, particularly on accountability and the review of policies governing military operations, law enforcement activities in the context of occupation and respect international humanitarian and human rights laws in general, by all parties to the conflict. The High Commissioner underscores that the international community should continue to focus on issues related to the Occupied Palestinian Territory, and implement recommendations addressed to it.

99. The High Commissioner believes that such implementation would significantly improve the human rights situation in the Occupied Palestinian Territory and Israel.
